

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PATRICK CARIOU,

Plaintiff,

vs.

Index No.: 08 CIV 11327 (DAB)

RICHARD PRINCE, GAGOSIAN
GALLERY, INC., LAWRENCE
GAGOSIAN, and RIZZOLI
INTERNATIONAL PUBLICATIONS,
INC.,

Defendants.

DEPOSITION OF

PATRICK CARIOU

Tuesday, January 12, 2010

New York, New York

Reported by:
Bryan Nilsen, RPR



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<p style="text-align: center;">25</p> <p>1 Cariou</p> <p>2 paintings, when did you first become aware of</p> <p>3 that?</p> <p>4 A. I became aware of it I think in</p> <p>5 mid-November 2009 through an ad in the Art</p> <p>6 Newspaper.</p> <p>7 Q. And you saw the ad or did someone</p> <p>8 bring the ad to your attention?</p> <p>9 A. A friend of mine called me a bit</p> <p>10 confused with the ad, asking me if I did a</p> <p>11 collaboration with Richard Prince, and I didn't</p> <p>12 know what he was talking about at the time.</p> <p>13 And I went to his place and looked</p> <p>14 at the ad and was a bit surprised I must say.</p> <p>15 MR. BROOKS: Can I interject. He</p> <p>16 said 2009, is that what you meant?</p> <p>17 A. 2008, sorry.</p> <p>18 MS. BART: Thank you.</p> <p>19 BY MS. BART:</p> <p>20 Q. And who was this friend?</p> <p>21 A. Francesco Solari.</p> <p>22 Q. This was the person you listed in</p> <p>23 your initial disclosures, correct?</p> <p>24 A. Yes.</p> <p>25 Q. So after you went to his place what</p>	<p style="text-align: center;">27</p> <p>1 Cariou</p> <p>2 complaint. And we represent him. How he</p> <p>3 found us is irrelevant.</p> <p>4 MS. BART: How many more speeches</p> <p>5 are we going to have today?</p> <p>6 MR. BROOKS: Well, it's an improper</p> <p>7 question.</p> <p>8 MR. HAYES: Are you directing him</p> <p>9 not to answer or no?</p> <p>10 MR. BROOKS: You can answer, over my</p> <p>11 objection. She wants to know how you</p> <p>12 found me.</p> <p>13 A. A friend of mine recommended them</p> <p>14 and we got in contact, and that was it.</p> <p>15 Q. And who was the friend?</p> <p>16 A. My friend was -- his name is Terry</p> <p>17 Daher, D-A-H-E-R.</p> <p>18 Q. And does Mr. Daher live in New York?</p> <p>19 A. He lives in New York, mm-hmm.</p> <p>20 Q. And when you spoke with Mr. Daher</p> <p>21 was this -- this is obviously after you had gone</p> <p>22 on the website and seen --</p> <p>23 A. Yeah.</p> <p>24 Q. And what did you tell Mr. Daher you</p> <p>25 needed?</p>
<p style="text-align: center;">26</p> <p>1 Cariou</p> <p>2 did you do next after making this discovery?</p> <p>3 A. I went on the web and on the</p> <p>4 Gagosian website and looked at the Canal Zone</p> <p>5 show and realized that the main subject of the</p> <p>6 show was Rastas.</p> <p>7 Q. And then what did you do?</p> <p>8 A. Then I started to make a few phone</p> <p>9 calls to friend in New York in order to know</p> <p>10 what to do and to find a lawyer.</p> <p>11 Q. And how was it that you came to find</p> <p>12 the Schnader Harrison firm?</p> <p>13 MR. BROOKS: What's the relevance of</p> <p>14 that? What's the relevance of it?</p> <p>15 How did Prince find you? I mean</p> <p>16 it's not relevant how he found me.</p> <p>17 MS. BART: I think I'm entitled to</p> <p>18 ask that question.</p> <p>19 MR. BROOKS: Why? Tell me why and I</p> <p>20 will let him answer.</p> <p>21 MS. BART: Because it's part of the</p> <p>22 process of what he did to press his</p> <p>23 rights.</p> <p>24 MR. BROOKS: What he did to press</p> <p>25 his rights is irrelevant. You've got the</p>	<p style="text-align: center;">28</p> <p>1 Cariou</p> <p>2 A. To go -- first thing I told him to</p> <p>3 go see the show. He went and was amazed by it</p> <p>4 and told me that we had to do something. At</p> <p>5 that particular moment I didn't know I was going</p> <p>6 to have a lawsuit. I just -- and he went and</p> <p>7 told me that the Rastas were all over the</p> <p>8 paintings and that something should be done.</p> <p>9 Q. And did he take photographs when he</p> <p>10 went to the exhibit?</p> <p>11 A. No, I don't think so.</p> <p>12 Q. He just -- then he called you back?</p> <p>13 A. He called me back, yeah.</p> <p>14 Q. And how do you know Terry Daher?</p> <p>15 A. Well, he's an old friend of mine.</p> <p>16 Q. Do you work with him?</p> <p>17 A. No.</p> <p>18 Q. Other than your counsel did you</p> <p>19 speak to anyone else -- anyone other than your</p> <p>20 counsel and Mr. Daher, did you speak to anyone</p> <p>21 else at this time about the exhibition?</p> <p>22 A. I don't think so, no.</p> <p>23 Q. And then the next thing you did was</p> <p>24 contact counsel --</p> <p>25 A. Right.</p>



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<p style="text-align: center;">29</p> <p>1 Cariou</p> <p>2 Q. -- and then we have what's ensued?</p> <p>3 A. Yeah.</p> <p>4 MS. BART: Let's give him a copy of</p> <p>5 Plaintiff's Exhibit 40.</p> <p>6 Q. Mr. Cariou, I'm handing you what's</p> <p>7 been marked as Plaintiff's Exhibit 40 in this</p> <p>8 lawsuit. Do you see this document?</p> <p>9 A. Yeah.</p> <p>10 Q. And can you just tell us in your own</p> <p>11 words what this document is?</p> <p>12 A. Well, it's a compilation of</p> <p>13 Mr. Prince's work and my work and the</p> <p>14 photographs he used in the Canal Zone show.</p> <p>15 Q. And who prepared this document?</p> <p>16 A. Me and a friend of mine in Paris.</p> <p>17 Q. And who was that?</p> <p>18 A. Philippe Le Bihan, L-E, B-I-H-A-N.</p> <p>19 Q. Did anyone else assist you?</p> <p>20 A. No.</p> <p>21 Q. Was this something that -- and</p> <p>22 I'm not trying to encroach at all on the</p> <p>23 attorney/client privilege -- but was this</p> <p>24 something that Mr. Brooks asked you to do or was</p> <p>25 this something --</p>	<p style="text-align: center;">31</p> <p>1 Cariou</p> <p>2 your complaint appear in these images. I'm not</p> <p>3 trying to trick you with these words,</p> <p>4 Mr. Cariou.</p> <p>5 A. No, no, I thought it was a bit funny</p> <p>6 though.</p> <p>7 MR. BROOKS: No. Just answer the</p> <p>8 question.</p> <p>9 A. Yeah, yeah.</p> <p>10 Q. And since you prepared this document</p> <p>11 have you found any other images that you believe</p> <p>12 are incorporated?</p> <p>13 A. Yes.</p> <p>14 Q. And I'm going to hand you what's</p> <p>15 been marked as -- previously been marked as</p> <p>16 Plaintiff's Exhibit 41.</p> <p>17 I only have one copy of this with</p> <p>18 all the tabs, so we're going to have to kind of</p> <p>19 work with it together.</p> <p>20 You'll see on the bottom -- we</p> <p>21 talked about this before the deposition</p> <p>22 started -- we've added numbers to the images</p> <p>23 that appear in the Yes Rasta book.</p> <p>24 Can you please give me the page</p> <p>25 numbers for the additional images that you say</p>
<p style="text-align: center;">30</p> <p>1 Cariou</p> <p>2 MR. BROOKS: Wait. Hold on. That</p> <p>3 is encroaching.</p> <p>4 Don't answer that question.</p> <p>5 If I asked him to do something, we</p> <p>6 had a conversation, that's a privileged</p> <p>7 conversation.</p> <p>8 He's not going to answer. Go to the</p> <p>9 judge if you don't agree with me. He's</p> <p>10 not going to ask him who told him to do</p> <p>11 it. He's not going to testify about any</p> <p>12 conversations he had with me.</p> <p>13 Q. Did you prepare this document with</p> <p>14 the assistance of counsel?</p> <p>15 A. No.</p> <p>16 Q. So this is something you prepared</p> <p>17 and then you provided it to your attorneys who</p> <p>18 then provided it to us?</p> <p>19 A. Yes.</p> <p>20 Q. Plaintiff's Exhibit 40 represents</p> <p>21 the Yes Rasta images which you claim appear in</p> <p>22 some of the Canal Zone paintings, correct?</p> <p>23 A. That I claim appear? They do</p> <p>24 appear.</p> <p>25 Q. Well, a claim is what you say in</p>	<p style="text-align: center;">32</p> <p>1 Cariou</p> <p>2 appear in the Canal Zone paintings but which are</p> <p>3 not found in Plaintiff's Exhibit 40?</p> <p>4 A. In order to do that I will need a</p> <p>5 printout of the painting called Canal Zone 2007</p> <p>6 that I've never seen really. We used -- which</p> <p>7 is the first painting Mr. Prince did was showed</p> <p>8 in St. Barth's and has probably 20 pictures in</p> <p>9 itself. If you show me that one --</p> <p>10 Q. You could mark a copy of that?</p> <p>11 A. I could find the image.</p> <p>12 Q. All right. Why don't we get a copy</p> <p>13 of that at a break and then we'll come back to</p> <p>14 that at the end of the sequence of questions, is</p> <p>15 that acceptable?</p> <p>16 MR. BROOKS: It's a deposition</p> <p>17 exhibit.</p> <p>18 MS. BART: Right. I know. We're</p> <p>19 getting it. We don't have it in here.</p> <p>20 MR. BROOKS: Fine. Whatever.</p> <p>21 BY MS. BART:</p> <p>22 Q. I'd like to take you through the</p> <p>23 images that appear in Plaintiff's Exhibit 40</p> <p>24 which you have shown to us.</p> <p>25 I'm going to hand you Plaintiff's</p>



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<p style="text-align: center;">33</p> <p>1 Cariou</p> <p>2 Exhibit 41.</p> <p>3 A. So you want me to actually tell</p> <p>4 you --</p> <p>5 Q. No, no, no. I just want you to have</p> <p>6 the book in front of you along with Plaintiff's</p> <p>7 Exhibit 40.</p> <p>8 A. Okay.</p> <p>9 Q. I don't believe you told me,</p> <p>10 approximately when did you prepare the document</p> <p>11 that's been marked as Plaintiff's Exhibit 40?</p> <p>12 A. It must have been around February I</p> <p>13 would say.</p> <p>14 Q. Of 2009?</p> <p>15 A. Of 2009, yeah.</p> <p>16 Q. On the first page of Plaintiff's</p> <p>17 Exhibit 40, which is the comparison that you've</p> <p>18 done --</p> <p>19 A. Yeah.</p> <p>20 Q. -- if you will look at the first</p> <p>21 page.</p> <p>22 A. Yeah, uh-huh.</p> <p>23 Q. No, no.</p> <p>24 A. Sorry.</p> <p>25 Q. No problem.</p>	<p style="text-align: center;">35</p> <p>1 Cariou</p> <p>2 Q. And I've read that correctly?</p> <p>3 A. Yeah.</p> <p>4 Q. When did you first approach this --</p> <p>5 MR. BROOKS: Hold on. He's not on</p> <p>6 paragraph 16.</p> <p>7 MS. BART: Sure. No problem.</p> <p>8 BY MS. BART:</p> <p>9 Q. It's the first sentence.</p> <p>10 A. Yeah, yeah. I got it.</p> <p>11 Q. Right.</p> <p>12 MS. BART: He had already agreed</p> <p>13 that it was correct.</p> <p>14 BY MS. BART:</p> <p>15 Q. When did you first approach this</p> <p>16 particular Rastafarian community about the</p> <p>17 possibility of gaining access to them?</p> <p>18 A. In spring '92.</p> <p>19 Q. And is there a reason why you</p> <p>20 approached this community?</p> <p>21 A. Well, first of all, it's not a</p> <p>22 community. It's just Rasta all over Jamaica.</p> <p>23 It's not one particular community. It's, you</p> <p>24 know, it's a community at large.</p> <p>25 Well, yeah, my love for Reggae</p>
<p style="text-align: center;">34</p> <p>1 Cariou</p> <p>2 We see two images there, one of</p> <p>3 Canal Zone and one of the Yes Rasta book. And</p> <p>4 it says Yes Rasta photographs by Patrick Cariou,</p> <p>5 do you see that?</p> <p>6 A. Yeah.</p> <p>7 Q. And you made this comparison because</p> <p>8 the Yes Rasta images you took are found in the</p> <p>9 Yes Rasta book?</p> <p>10 A. Excuse me. Come again, please.</p> <p>11 Q. Yes. In other words, I'm just</p> <p>12 trying to understand, you juxtaposed the Canal</p> <p>13 Zone book and the Yes Rasta book because you are</p> <p>14 saying that the images are -- some of the</p> <p>15 Yes Rasta images are found in the Canal Zone</p> <p>16 book?</p> <p>17 A. Correct.</p> <p>18 Q. Now, according to your complaint</p> <p>19 which you have in front of you, I believe it's</p> <p>20 paragraph 16, you say that you spent parts of</p> <p>21 six years in the secluded mountains of Jamaica</p> <p>22 gaining access to and living and working with</p> <p>23 and earning the trust of the Rastafarians who</p> <p>24 are the subjects of Yes Rasta?</p> <p>25 A. Yes.</p>	<p style="text-align: center;">36</p> <p>1 Cariou</p> <p>2 music, my love for Jamaica, my love for their</p> <p>3 culture, their look, and also the fact that no</p> <p>4 book has ever been done about Rastafarians.</p> <p>5 Q. And so when you first approached</p> <p>6 them you approached them with the idea of</p> <p>7 preparing a book containing images and</p> <p>8 documenting --</p> <p>9 A. Yeah, absolutely.</p> <p>10 Q. -- and documenting the Rastafarian</p> <p>11 lifestyle?</p> <p>12 A. Yes.</p> <p>13 Q. And when you first approached them</p> <p>14 did you tell them that's what you wanted to do?</p> <p>15 A. Yes.</p> <p>16 Q. And what did they say to you?</p> <p>17 A. It depends on which one.</p> <p>18 Q. I see. I guess I understood from</p> <p>19 Mr. Henzell's description in the front part of</p> <p>20 the Yes Rasta book that you had gone and lived</p> <p>21 with one particular community, not that it was</p> <p>22 communities everywhere.</p> <p>23 So what you're saying is there are</p> <p>24 different Rasta communities --</p> <p>25 A. There is no such thing as a Rasta</p>



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<p style="text-align: center;">41</p> <p>1 Cariou</p> <p>2 Rastafarians -- I think you mentioned their</p> <p>3 culture, their looks --</p> <p>4 A. Mm-hmm.</p> <p>5 Q. -- document those images, you went</p> <p>6 there with that purpose?</p> <p>7 A. Yeah.</p> <p>8 Q. And that's why you were in Jamaica?</p> <p>9 A. Yeah.</p> <p>10 Q. How were you first sort of</p> <p>11 introduced to or exposed to the Rastafarian</p> <p>12 culture?</p> <p>13 A. Well, through Reggae music, you</p> <p>14 know.</p> <p>15 Q. And when did you first begin</p> <p>16 listening to Reggae music?</p> <p>17 A. In -- let me think. I don't know.</p> <p>18 I must have been 15, which is, you know, early</p> <p>19 '80s -- no, not -- late '70s.</p> <p>20 Q. Now, in the second line of your</p> <p>21 complaint, paragraph 16 --</p> <p>22 A. Yeah.</p> <p>23 Q. -- it says the Rastafarians are a</p> <p>24 spiritual society living simply, independently,</p> <p>25 and in harmony with nature, apart from the</p>	<p style="text-align: center;">43</p> <p>1 Cariou</p> <p>2 A. Yeah.</p> <p>3 Q. Now, it says in the sentence that I</p> <p>4 skipped over, it says that it was only after</p> <p>5 living with them for years that Plaintiff was</p> <p>6 finally permitted to photograph them?</p> <p>7 A. Yeah.</p> <p>8 Q. Okay. So you first went to Jamaica</p> <p>9 and made your first approach in 1992, so at what</p> <p>10 point did you first get the first person to</p> <p>11 agree to allow you to photograph them?</p> <p>12 A. I went in Jamaica twice without</p> <p>13 camera before --</p> <p>14 MR. BROOKS: With a what?</p> <p>15 A. Without a camera. And that was in</p> <p>16 spring '93 that I took my first picture of</p> <p>17 Rasta. I was, you know, close enough to some</p> <p>18 of them to be able to ask and to start taking</p> <p>19 pictures. They felt comfortable about it.</p> <p>20 Q. And they gave you permission to do</p> <p>21 that?</p> <p>22 A. Yes.</p> <p>23 MR. BROOKS: Excuse me.</p> <p>24 Did you get the word comfortable?</p> <p>25 (Discussion off the record.)</p>
<p style="text-align: center;">42</p> <p>1 Cariou</p> <p>2 industrialized world of environmental pollution</p> <p>3 and materialism which they reject and refer to</p> <p>4 as, quote, Babylon.</p> <p>5 A. Mm-hmm.</p> <p>6 Q. So it was that society and the</p> <p>7 simple sort of independent way in which they</p> <p>8 live that you wanted to take images of to</p> <p>9 document, if you will?</p> <p>10 A. Yeah.</p> <p>11 Q. In fact, we find this focus in your</p> <p>12 complaint in this allegation that says, you</p> <p>13 know, they're living this simple life and then</p> <p>14 you look down and it says the next paragraph, or</p> <p>15 a couple of lines down, it says the result was</p> <p>16 the photographs in Yes Rasta?</p> <p>17 A. Mm-hmm.</p> <p>18 Q. Approximately 100 strikingly</p> <p>19 original black and white photographs, mostly</p> <p>20 close-up portraits of stern, mystical-looking</p> <p>21 men within a distinctive tropical landscape?</p> <p>22 A. Yeah.</p> <p>23 Q. And so the results of the</p> <p>24 culmination of the photographing of this culture</p> <p>25 is what resulted in Yes Rasta?</p>	<p style="text-align: center;">44</p> <p>1 Cariou</p> <p>2 BY MS. BART:</p> <p>3 Q. When you approached a Rasta for the</p> <p>4 purpose of taking their photograph, I assume</p> <p>5 you -- do I understand you correctly to be</p> <p>6 saying you asked each Rasta or each family that</p> <p>7 you photographed for their permission to</p> <p>8 photograph them?</p> <p>9 A. Well, you better -- no, you start to</p> <p>10 know them, live with them -- not necessarily</p> <p>11 live with them in the sense of living with them</p> <p>12 in their house, but hang out with them for a few</p> <p>13 days, few weeks, sometimes months. It depends.</p> <p>14 And at some point, yeah, you ask</p> <p>15 permission to take their picture.</p> <p>16 Q. And when you say live with them, the</p> <p>17 ones that are up in the mountains of Jamaica,</p> <p>18 would you actually go and camp out in the</p> <p>19 mountains --</p> <p>20 A. Yeah.</p> <p>21 Q. -- or would you stay in a hotel and</p> <p>22 go back and forth?</p> <p>23 A. No, no. I never stayed in a hotel.</p> <p>24 Q. And so you would stay there for a</p> <p>25 period of time?</p>



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<p style="text-align: center;">45</p> <p>1 Cariou</p> <p>2 A. Yeah.</p> <p>3 Q. Did any of the Rastafarians whose</p> <p>4 images appear in the Yes Rasta images give you</p> <p>5 written permission to take their photograph?</p> <p>6 A. No.</p> <p>7 Q. Now, according to your complaint,</p> <p>8 your photographs, the subjects of your</p> <p>9 photographs, it's portraiture?</p> <p>10 A. Yeah.</p> <p>11 Q. And landscapes?</p> <p>12 A. Yeah.</p> <p>13 Q. And that was part of your effort to</p> <p>14 document what I will call the Rastafarian</p> <p>15 culture?</p> <p>16 A. Yeah. It's also my style of</p> <p>17 photography.</p> <p>18 Q. Why don't you tell us what your</p> <p>19 style of photography is?</p> <p>20 A. What my style of photography is?</p> <p>21 Oh, that's -- I'm into portraiture and masters,</p> <p>22 Paul Strand, August Sander, Edward Curtis, who</p> <p>23 were traveling photographers, and it's sort of a</p> <p>24 static way of taking a picture of when someone</p> <p>25 is looking at you -- the viewer, either the</p>	<p style="text-align: center;">47</p> <p>1 Cariou</p> <p>2 in the community or --</p> <p>3 A. Yeah.</p> <p>4 Q. What did you do?</p> <p>5 A. Well, everything was to be done, you</p> <p>6 know, you need to go get water out of the river,</p> <p>7 you need to go get the coconuts, you need to</p> <p>8 cook, you need to clean, you need to be -- to</p> <p>9 make yourself part of the small group who is</p> <p>10 there and, you know, not just sit and wait until</p> <p>11 they've done. You participate to whatever needs</p> <p>12 to be done.</p> <p>13 Q. So you were just trying to embed</p> <p>14 yourself, if you will, in this society, perhaps</p> <p>15 one or two groups at a time, to really be able</p> <p>16 to capture its essence through photography?</p> <p>17 A. Exactly.</p> <p>18 Q. So when I think of the word work</p> <p>19 with them, I think of maybe doing a job or</p> <p>20 performing a job, but in this particular society</p> <p>21 making sure there's water and food is the job</p> <p>22 itself?</p> <p>23 A. Exactly.</p> <p>24 Q. And that's how you're using the word</p> <p>25 work in this complaint?</p>
<p style="text-align: center;">46</p> <p>1 Cariou</p> <p>2 viewer or anybody understands that the person</p> <p>3 whose portrait, in the portrait, has agreed and</p> <p>4 is aware that someone is taking his photograph.</p> <p>5 That's --</p> <p>6 Q. Because you are trying to stage it</p> <p>7 in a certain way?</p> <p>8 A. I stage it, yeah.</p> <p>9 Q. And you're trying to capture as</p> <p>10 closely as possible the essence of the person</p> <p>11 whose image you're taking?</p> <p>12 A. Yeah, absolutely.</p> <p>13 Q. Did anyone assist you in the taking</p> <p>14 of any of the Yes Rasta images?</p> <p>15 A. No.</p> <p>16 Q. So that was done strictly on your</p> <p>17 own?</p> <p>18 A. Yeah.</p> <p>19 Q. Now, in your complaint it says that</p> <p>20 you -- in the first line --</p> <p>21 MR. BROOKS: Which paragraph?</p> <p>22 MS. BART: 16.</p> <p>23 Q. It says that you not only lived with</p> <p>24 the Rastas but you also worked with them.</p> <p>25 Did you actually perform like work</p>	<p style="text-align: center;">48</p> <p>1 Cariou</p> <p>2 A. Yeah.</p> <p>3 Q. So it wasn't that you went there to</p> <p>4 photograph them and that was your job in regards</p> <p>5 to the Rastafarians, that was what you were</p> <p>6 there to do but it wasn't the work you were</p> <p>7 performing for them?</p> <p>8 A. No, no, no.</p> <p>9 Q. What I'd like to do is take you</p> <p>10 through the images that are in Plaintiff's</p> <p>11 Exhibit 40. So if you could keep the book out,</p> <p>12 you might want to keep the complaint handy, and</p> <p>13 go through Plaintiff's Exhibit 40.</p> <p>14 And if we could, go to the second</p> <p>15 page which is marked C00018.</p> <p>16 A. Yes.</p> <p>17 MR. BROOKS: Excuse me. This is 40.</p> <p>18 A. Oh, yeah, okay.</p> <p>19 Q. That's 41.</p> <p>20 MR. BROOKS: And she's talking about</p> <p>21 this first page, C00018.</p> <p>22 MS. BART: Yes.</p> <p>23 A. Yeah.</p> <p>24 Q. Those are numbers, Mr. Cariou, that</p> <p>25 your counsel placed on this particular document,</p>



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<p style="text-align: center;">49</p> <p>1 Cariou</p> <p>2 and it's just to help us with identification.</p> <p>3 So when you're talking about a page</p> <p>4 we'll try to refer to it and the same thing with</p> <p>5 the numbers.</p> <p>6 A. Okay.</p> <p>7 Q. So let's start with this person</p> <p>8 which you put as the first image in your</p> <p>9 comparison, and can you tell me when this</p> <p>10 photograph was taken?</p> <p>11 A. It must have been taken in around</p> <p>12 '95.</p> <p>13 Q. And how is it that you place this</p> <p>14 particular image in 1995?</p> <p>15 A. How? Why?</p> <p>16 Q. How do you know -- you said it must</p> <p>17 have --</p> <p>18 A. Because I remember when I was with</p> <p>19 that man.</p> <p>20 Q. And this would have been about three</p> <p>21 years into your sojourn into the Rastafarian</p> <p>22 culture?</p> <p>23 A. Yeah.</p> <p>24 Q. And was this a staged photograph?</p> <p>25 A. Yeah, absolutely.</p>	<p style="text-align: center;">51</p> <p>1 Cariou</p> <p>2 Q. When you took this your artistic</p> <p>3 purpose was strictly to capture this man in his</p> <p>4 environment, is that correct?</p> <p>5 A. No, it was to make a beautiful</p> <p>6 portrait.</p> <p>7 Q. Did you choose the setting for this</p> <p>8 or is this around where he lives?</p> <p>9 A. No, I choose the setting.</p> <p>10 Q. And what was it about the landscape</p> <p>11 surrounding this gentleman that caused you to</p> <p>12 choose him, choose this particular setting for</p> <p>13 this particular image?</p> <p>14 A. Because he was -- it fits with him.</p> <p>15 It was right in the middle of the jungle.</p> <p>16 Q. Now, could you please go to the</p> <p>17 image in the book, and if you will look on the</p> <p>18 right-hand side you will see numbers with blue</p> <p>19 tabs?</p> <p>20 A. Yeah.</p> <p>21 Q. Those numbers correspond to the</p> <p>22 Bates Number that your lawyer has put on this</p> <p>23 page.</p> <p>24 A. Okay.</p> <p>25 Q. So if you will find the actual</p>
<p style="text-align: center;">50</p> <p>1 Cariou</p> <p>2 Q. And how long did it take you to</p> <p>3 shoot this particular image?</p> <p>4 A. I don't know. We tried a few</p> <p>5 positions. Maybe an hour.</p> <p>6 Q. And is there a reason why you wanted</p> <p>7 to photograph this particular man, in other</p> <p>8 words, was he just one of the Rastas that was</p> <p>9 willing to give you permission, or was there</p> <p>10 something specific about this particular man</p> <p>11 that you wanted to capture on film?</p> <p>12 A. There's something really specific</p> <p>13 that I wanted to capture about that man.</p> <p>14 Q. And what is that?</p> <p>15 A. There's a few things. Like his</p> <p>16 strength, for one. His dreads. You know, the</p> <p>17 fact that he lives really high up in the</p> <p>18 mountains. As you can see, he's wearing boots,</p> <p>19 plastic boots, because it's so humid.</p> <p>20 And I like that man and, you know,</p> <p>21 it's hard to explain why a portraitist wants to</p> <p>22 take a picture of someone. I liked him. He</p> <p>23 liked me. And I thought -- it's actually one</p> <p>24 of my favorite pictures. I think it's also</p> <p>25 Mr. Prince's favorite picture too.</p>	<p style="text-align: center;">52</p> <p>1 Cariou</p> <p>2 image --</p> <p>3 A. Okay.</p> <p>4 Q. Do you find number 18 there?</p> <p>5 A. No, but I will soon.</p> <p>6 (Witness looks through exhibit.)</p> <p>7 A. Yes, I got it.</p> <p>8 Q. Okay. In looking at that photograph</p> <p>9 or that image, I see that the back, the</p> <p>10 landscape behind him is largely blurred --</p> <p>11 A. Yeah.</p> <p>12 Q. -- in part?</p> <p>13 A. Yeah.</p> <p>14 Q. Why did you choose to do that?</p> <p>15 A. Because it's like that mostly in the</p> <p>16 book, and I decided to do that, which is --</p> <p>17 there is a thing in photography called depth of</p> <p>18 field, which is, you know, you can see more or</p> <p>19 less of the background.</p> <p>20 And I decided long before I actually</p> <p>21 started that book that I wanted to -- I would</p> <p>22 like to -- I wanted to use little depth of field</p> <p>23 and a certain lens in order to have my pictures</p> <p>24 like that.</p> <p>25 MR. BROOKS: Excuse me.</p>



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<p style="text-align: center;">53</p> <p>1 Cariou</p> <p>2 Did you get lens?</p> <p>3 (Record read.)</p> <p>4 (Discussion off the record.)</p> <p>5 BY MS. BART:</p> <p>6 Q. What type of lens did you choose?</p> <p>7 A. What type of lens?</p> <p>8 Q. You said you had chosen a specific</p> <p>9 lens?</p> <p>10 A. Yeah, it was a 165-millimeter Pentax</p> <p>11 lens on a medium camera, medium-format camera,</p> <p>12 sorry.</p> <p>13 Q. And is there something special about</p> <p>14 the use of a 165-millimeter Pentax lens on a</p> <p>15 medium-size camera?</p> <p>16 A. Yeah.</p> <p>17 Q. And what is that?</p> <p>18 In other words, you were obviously</p> <p>19 going for a particular type of look?</p> <p>20 A. Yeah.</p> <p>21 Q. And that's what I'm trying to</p> <p>22 understand.</p> <p>23 A. Yeah.</p> <p>24 Q. So you must have chosen that lens</p> <p>25 and that camera for a specific reason?</p>	<p style="text-align: center;">55</p> <p>1 Cariou</p> <p>2 A. Exactly.</p> <p>3 Q. To save time, Mr. Cariou, did you</p> <p>4 use that same camera and lens on all of these or</p> <p>5 only some of them?</p> <p>6 A. No, I used two lenses.</p> <p>7 Q. Well, then we'll do it photograph by</p> <p>8 photograph.</p> <p>9 So I guess then when you blur out</p> <p>10 the background I take it then that other than</p> <p>11 the fact that this man lives in the tropical</p> <p>12 area that he does, in this particular image the</p> <p>13 background then for artistic purposes is really</p> <p>14 not that important?</p> <p>15 MR. BROOKS: Object to the form.</p> <p>16 You can answer.</p> <p>17 A. No, it's not -- because, as you can</p> <p>18 notice, there's lights around. And the way --</p> <p>19 the angle you choose and the bush you choose</p> <p>20 behind is going to make a huge difference in the</p> <p>21 picture.</p> <p>22 If it's backlit or it's not</p> <p>23 backlit -- you see all the little dots? Those</p> <p>24 are important. Those are extremely important</p> <p>25 when you take those type of pictures.</p>
<p style="text-align: center;">54</p> <p>1 Cariou</p> <p>2 A. Well, then in order to answer that</p> <p>3 properly we would need to go into photography</p> <p>4 principles, you know, the size of the lens, the</p> <p>5 F-stop. Everything goes with it. The size of</p> <p>6 the neg, et cetera, et cetera.</p> <p>7 You know, why did I use the 165?</p> <p>8 Because I knew I was getting that effect for</p> <p>9 that picture.</p> <p>10 Q. And that effect is what?</p> <p>11 A. That effect is to have the</p> <p>12 background to be a bit blurry.</p> <p>13 Q. And you could also achieve that by</p> <p>14 narrowing the F-stop, correct?</p> <p>15 A. You could do that too, yeah. Yeah.</p> <p>16 Q. For a narrow depth of field?</p> <p>17 A. Yeah.</p> <p>18 Q. And so what that does -- and I'm</p> <p>19 trying to understand, does that then make</p> <p>20 landscape fade into the background and the</p> <p>21 subject that you're taking the portrait of</p> <p>22 become more prominent?</p> <p>23 A. Exactly.</p> <p>24 Q. And that was the purpose of doing</p> <p>25 that?</p>	<p style="text-align: center;">56</p> <p>1 Cariou</p> <p>2 Q. Were you using artificial light or</p> <p>3 was this done --</p> <p>4 A. No, it's natural light.</p> <p>5 Q. -- with natural lighting?</p> <p>6 A. And of course you have the -- you</p> <p>7 choose the period, the time of the day when</p> <p>8 you're going to take the picture.</p> <p>9 Q. To get that light from the correct</p> <p>10 angle?</p> <p>11 A. To get what you want, yeah.</p> <p>12 Q. How long did it take you to find</p> <p>13 this particular setting?</p> <p>14 A. You know, it's hard to say because</p> <p>15 I was living with that man for a few days, you</p> <p>16 know, waiting for the right moment to take a</p> <p>17 picture, and I was looking around for days.</p> <p>18 Not taking the picture, but like --</p> <p>19 Q. I call it scouting.</p> <p>20 A. We could call it scouting. I went</p> <p>21 scouting for a few days before.</p> <p>22 But I was also waiting for him to be</p> <p>23 in a mood to have his picture taken.</p> <p>24 Q. And that's because the essence of</p> <p>25 this picture is really the portrait?</p>



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<p style="text-align: center;">57</p> <p>1 Cariou</p> <p>2 A. It's him, yeah. It's him. It's</p> <p>3 about -- you know, as you can notice it, he's</p> <p>4 right in the middle, and you can't be more</p> <p>5 simple as far as framing is concerned. It's</p> <p>6 about him and his strength.</p> <p>7 Q. Now, in paragraph 16 of your</p> <p>8 complaint you say that the images were taken in</p> <p>9 black and white?</p> <p>10 A. Mm-hmm.</p> <p>11 Q. Was there a specific kind of film</p> <p>12 you were using or did it depend on the time of</p> <p>13 day you were shooting?</p> <p>14 A. No, I only used one film.</p> <p>15 Q. And what was the type of film?</p> <p>16 A. It's TRI-X 320.</p> <p>17 Q. TRI-X?</p> <p>18 A. Yeah.</p> <p>19 Q. Could you spell that for us?</p> <p>20 A. T-X 320.</p> <p>21 Q. But it's T-R-I-X 320?</p> <p>22 A. Yeah.</p> <p>23 Q. And who makes that?</p> <p>24 A. Kodak.</p> <p>25 MR. HAYES: Is it T-R-I-X or</p>	<p style="text-align: center;">59</p> <p>1 Cariou</p> <p>2 A. Yes.</p> <p>3 Q. And if you could go back to the</p> <p>4 image of this particular Rastafarian --</p> <p>5 MR. BROOKS: This is on page -- what</p> <p>6 you've marked C18?</p> <p>7 MS. BART: C18, right.</p> <p>8 BY MS. BART:</p> <p>9 Q. Did you have it processed in a</p> <p>10 particular way?</p> <p>11 A. Yeah. We used a specific chemical.</p> <p>12 Well, first of all, I had it exposed a</p> <p>13 particular way.</p> <p>14 Q. And that would be with the F-stop?</p> <p>15 A. No, with --</p> <p>16 Q. With the chemicals?</p> <p>17 A. No, with the -- you know, each film</p> <p>18 has a sensitivity, ASA, you know, 400 ASA.</p> <p>19 Q. Right.</p> <p>20 A. But you don't have to -- you can</p> <p>21 over or underexpose it when you shoot. You</p> <p>22 know, that's a decision you can take.</p> <p>23 And then you process it, but you</p> <p>24 have to know what you have done before in order</p> <p>25 to process it properly and in order to get what</p>
<p style="text-align: center;">58</p> <p>1 Cariou</p> <p>2 T-R-I-A-X?</p> <p>3 A. You can put T and X and that's good.</p> <p>4 Q. And is there a reason that you chose</p> <p>5 the TX 320 film --</p> <p>6 A. Yeah.</p> <p>7 Q. -- for this particular series of</p> <p>8 images?</p> <p>9 A. Oh, yeah. Because I want -- from</p> <p>10 the get-go I wanted to have a really specific</p> <p>11 look for the whole book. And it's a film that I</p> <p>12 thought would give me this look.</p> <p>13 But on top of choosing a film, you</p> <p>14 need to know how to expose it and to process it</p> <p>15 and then how to print it in order to get what</p> <p>16 you want.</p> <p>17 Q. And can you explain what the</p> <p>18 specific overall look you were going for was?</p> <p>19 A. Well, I knew I was going to shoot</p> <p>20 black man and black woman, you know, obviously.</p> <p>21 And I wanted to -- I wanted the overall book to</p> <p>22 be dark, you know, but still to have a lot of</p> <p>23 details and grays in the book, and that's what I</p> <p>24 did.</p> <p>25 Q. Now, you mentioned processing?</p>	<p style="text-align: center;">60</p> <p>1 Cariou</p> <p>2 you want.</p> <p>3 Q. And when you were out in the field</p> <p>4 did you keep a field notebook?</p> <p>5 A. No.</p> <p>6 Q. You kept no notes, so how would you</p> <p>7 know then what you had done in the field in</p> <p>8 terms of the ASA so that you could then give the</p> <p>9 right instructions?</p> <p>10 A. Because I'm a good photographer and</p> <p>11 I know what I do.</p> <p>12 Q. I see. So did you label the films</p> <p>13 so you could keep track?</p> <p>14 A. No.</p> <p>15 Q. And is that because you were taking</p> <p>16 not that many pictures?</p> <p>17 A. I wasn't taking that many pictures.</p> <p>18 Q. So it was easy for you to keep it in</p> <p>19 your mind?</p> <p>20 A. Yeah, plus I knew the technique, I</p> <p>21 knew what I wanted and, you know, with the light</p> <p>22 meter and camera it was easy for me to get what</p> <p>23 I wanted.</p> <p>24 Q. Now, a few minutes ago when you</p> <p>25 first started talking about the processing of</p>



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<p style="text-align: center;">61</p> <p>1 Cariou</p> <p>2 the images you used the word we processed.</p> <p>3 Who helped you with the processing?</p> <p>4 A. My lab. It's called Richard</p> <p>5 Foulster, F-O-U-L-S-T-E-R.</p> <p>6 Q. And you've referred to his name by</p> <p>7 looking in the back of Plaintiff's Exhibit 41,</p> <p>8 right, in the acknowledgments?</p> <p>9 A. Yeah.</p> <p>10 Q. He was one of the people that you</p> <p>11 acknowledged?</p> <p>12 A. Yes.</p> <p>13 Q. Now, did you give Mr. Foulster</p> <p>14 specific instructions for how you wanted this</p> <p>15 image, for example --</p> <p>16 A. Of course.</p> <p>17 Q. -- to be exposed and printed?</p> <p>18 A. Yes.</p> <p>19 Q. And what did you tell Mr. Foulster</p> <p>20 you wanted done with the image that appears on</p> <p>21 C18?</p> <p>22 A. Well, C18 -- you have to take the</p> <p>23 whole book as a whole. You know, C18 didn't</p> <p>24 come as the first image. You know, we already</p> <p>25 had images that we were, you know, happy with</p>	<p style="text-align: center;">63</p> <p>1 Cariou</p> <p>2 Q. Yes. I'm trying to just understand,</p> <p>3 you said there was a trial-and-error period, and</p> <p>4 then once you came up with the look that you</p> <p>5 liked you then exposed and developed each of the</p> <p>6 other images that appear in Yes Rasta in the</p> <p>7 same way.</p> <p>8 MR. BROOKS: Can I just say</p> <p>9 something? I think the exposing -- I</p> <p>10 could be wrong -- is done when he's</p> <p>11 shooting the picture.</p> <p>12 The processing is in the lab, I</p> <p>13 think.</p> <p>14 MS. BART: He actually used the word</p> <p>15 exposure in connection with processing, so</p> <p>16 I'm trying to follow his --</p> <p>17 A. No, no, no. But if I did, that's my</p> <p>18 mistake.</p> <p>19 Q. Okay.</p> <p>20 A. The exposure is done --</p> <p>21 Q. That's how I usually understand it,</p> <p>22 is the exposure is through the lens. That is</p> <p>23 how I understood it.</p> <p>24 But you were using it in the lab</p> <p>25 context?</p>
<p style="text-align: center;">62</p> <p>1 Cariou</p> <p>2 the look of it.</p> <p>3 And it was -- then it became sort of</p> <p>4 a routine of, you know, having -- you know, when</p> <p>5 you process a film you get contact sheets. Then</p> <p>6 from the contact sheets you go to printing.</p> <p>7 And we did -- we print -- we always</p> <p>8 print together. You know, I'm here when he's</p> <p>9 printing my picture.</p> <p>10 Q. In the darkroom?</p> <p>11 A. In the darkroom.</p> <p>12 Q. And so is it fair to say -- again,</p> <p>13 I'm just trying to understand the process -- but</p> <p>14 is it fair to say then once you developed the</p> <p>15 technique that you wanted to create the certain</p> <p>16 dark look with accents, that is how all of the</p> <p>17 images that appear in the Yes Rasta book were</p> <p>18 developed?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. So could you just describe</p> <p>21 for us what the process was that you finally</p> <p>22 settled upon for this particular -- for the</p> <p>23 Yes Rasta book?</p> <p>24 A. Could you repeat your question,</p> <p>25 please?</p>	<p style="text-align: center;">64</p> <p>1 Cariou</p> <p>2 A. Yeah, that's my mistake. Sorry.</p> <p>3 Q. Okay. So what about the processing,</p> <p>4 what was it that you were trying to capture in</p> <p>5 the processing?</p> <p>6 A. We were trying to get extremely dark</p> <p>7 images but still keeping a lot of details.</p> <p>8 C18 is not the best example. I can</p> <p>9 show you another example, like the black man in</p> <p>10 the shade but you can still see every details</p> <p>11 that there is to see in this picture.</p> <p>12 Q. And may the record reflect that the</p> <p>13 witness has showed us the image that appears on</p> <p>14 page 13 of Plaintiff's Exhibit 41.</p> <p>15 MR. BROOKS: Is that 13?</p> <p>16 MS. BART: Down on the bottom.</p> <p>17 MR. BROOKS: I'm sorry, I think --</p> <p>18 oh, it's 13, okay.</p> <p>19 A. As an example.</p> <p>20 Q. Yes, I understand.</p> <p>21 A. That's what we were trying to get.</p> <p>22 And it's not easy to get that, to shoot black</p> <p>23 people in the shade, because most of them are</p> <p>24 shot in the shade, and still getting details is</p> <p>25 something which takes work to do.</p>



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<p style="text-align: center;">65</p> <p>1 Cariou</p> <p>2 And we went through the whole</p> <p>3 process of trying one way and another way and</p> <p>4 another way up until we managed to have it.</p> <p>5 Q. And I think you testified earlier</p> <p>6 that you began taking images in 1993 that was</p> <p>7 your first image?</p> <p>8 A. Yes.</p> <p>9 Q. And so approximately how long did it</p> <p>10 take you to sort of work out this process with</p> <p>11 Mr. Foulster?</p> <p>12 A. Well, we've been working together</p> <p>13 forever. And I just want to show you -- you</p> <p>14 know what I mean, that's what we were trying to</p> <p>15 get.</p> <p>16 (Witness indicating.)</p> <p>17 MS. BART: May the record reflect</p> <p>18 that the witness has shown me a two-page</p> <p>19 image which is marked pages 43 and 44 in</p> <p>20 the Yes Rasta book.</p> <p>21 A. You know, I was doing -- I was</p> <p>22 trying things, not being in Jamaica, you know,</p> <p>23 when I was on location sometimes for my</p> <p>24 professional work, on the island, I was trying</p> <p>25 things, and I couldn't tell you exactly how long</p>	<p style="text-align: center;">67</p> <p>1 Cariou</p> <p>2 Q. Other than through the sale of the</p> <p>3 Yes Rasta book have you marketed this particular</p> <p>4 image, which appears on page --</p> <p>5 A. 118.</p> <p>6 Q. -- 118 of the book and C18 of</p> <p>7 Plaintiff's Exhibit 40, have you marketed it in</p> <p>8 any way other than through the book?</p> <p>9 A. No.</p> <p>10 Q. Have you licensed any rights to any</p> <p>11 person other than Powerhouse to use this image?</p> <p>12 A. No.</p> <p>13 Q. Now, if you would go back to the</p> <p>14 complaint, paragraph 16, which you have in front</p> <p>15 of you.</p> <p>16 A. Yeah.</p> <p>17 Q. In that paragraph you make a</p> <p>18 collective reference to the images in the</p> <p>19 Yes Rasta book, and it starts off with -- we</p> <p>20 read it before -- the result was the</p> <p>21 photographs?</p> <p>22 A. Yeah.</p> <p>23 Q. And you say of approximately 100</p> <p>24 strikingly-original black and white photographs,</p> <p>25 can you tell me in your own words why you</p>
<p style="text-align: center;">66</p> <p>1 Cariou</p> <p>2 it took us to define the whole process.</p> <p>3 Q. A year, a month, approximately?</p> <p>4 A. I would say a year.</p> <p>5 Q. And this is trial and error over a</p> <p>6 period of time?</p> <p>7 A. Mm-hmm, yes.</p> <p>8 Q. Returning now, if you wouldn't mind,</p> <p>9 please, you can either look at it on Plaintiff's</p> <p>10 Exhibit 40 or you can look at it in the book,</p> <p>11 which is marked -- the image that appears on</p> <p>12 C00018, which is this gentleman that we first</p> <p>13 started talking about?</p> <p>14 A. Yeah, yeah, the first guy.</p> <p>15 Q. Does this photograph have, or this</p> <p>16 image, does this have a title?</p> <p>17 A. No.</p> <p>18 Q. Did it ever have a title?</p> <p>19 A. No, not yet.</p> <p>20 Q. Is there a reason why you didn't</p> <p>21 title these works of art or these images?</p> <p>22 A. No.</p> <p>23 Q. Have you ever sold any individual</p> <p>24 prints of this photograph, of this image?</p> <p>25 A. Of that image? No.</p>	<p style="text-align: center;">68</p> <p>1 Cariou</p> <p>2 believe this is strikingly original, this image</p> <p>3 that appears on C18 and page 118 of Plaintiff's</p> <p>4 Exhibit 41?</p> <p>5 A. You know, I've been trying for 25</p> <p>6 years to take good pictures, and I think that's</p> <p>7 pretty good. I think it's -- I would even say</p> <p>8 it's a great photograph.</p> <p>9 You know, some people consider this</p> <p>10 book the ultimate book ever done on Rasta.</p> <p>11 Q. But there are others --</p> <p>12 A. No.</p> <p>13 Q. -- in the marketplace?</p> <p>14 A. No.</p> <p>15 Q. Now, in your complaint in paragraph</p> <p>16 16 you then say these portraits were taken</p> <p>17 within a distinctive tropical landscape?</p> <p>18 A. Mm-hmm.</p> <p>19 Q. And I would like to understand why</p> <p>20 you think the landscape that appears in this</p> <p>21 particular image is distinctive, in your view?</p> <p>22 A. It's a group. It's a book. You</p> <p>23 know, next to it you have a tropical landscape.</p> <p>24 You obviously associate both. And the next page</p> <p>25 is the same thing.</p>



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<p style="text-align: center;">81</p> <p>1 Cariou</p> <p>2 A. The composition, the way he looks at</p> <p>3 us, you know, the way his body looks, you know,</p> <p>4 the nature he's in, the light, being slightly</p> <p>5 backlit, and the quality of the black and white.</p> <p>6 Q. And in terms of the landscaping, a</p> <p>7 portion of which is blurred out, what do you</p> <p>8 feel is distinctive about this, or is this just</p> <p>9 another example of you have to look at the whole</p> <p>10 book to get what's distinctive about the</p> <p>11 landscape?</p> <p>12 A. Yeah, you have to look at the whole</p> <p>13 book in order to get a better feel of the place</p> <p>14 than looking at one picture, definitely.</p> <p>15 MS. BART: Off the record.</p> <p>16 (Discussion off the record.)</p> <p>17 (Recess taken: 11:38 a.m.)</p> <p>18 (Proceedings resumed: 11:51 a.m.)</p> <p>19 BY MS. BART:</p> <p>20 Q. Mr. Cariou, will you please turn on</p> <p>21 Plaintiff's Exhibit 40 to the page that's marked</p> <p>22 C00024?</p> <p>23 A. Yes.</p> <p>24 Q. Do you have that in front of you?</p> <p>25 A. Yeah, I do.</p>	<p style="text-align: center;">83</p> <p>1 Cariou</p> <p>2 talking about, which is in the middle of C00024,</p> <p>3 correct?</p> <p>4 A. Yeah.</p> <p>5 Q. Can you tell me approximately when</p> <p>6 this photograph was taken?</p> <p>7 A. Once again, you know, it's hard for</p> <p>8 me to have a recollection of every picture in my</p> <p>9 book and when they were taken.</p> <p>10 Q. Where would you place it in the</p> <p>11 six-year span that you were --</p> <p>12 A. I would put it towards the end.</p> <p>13 Q. Just again, Mr. Cariou, kindly let</p> <p>14 me just get my question all the way out before</p> <p>15 you answer.</p> <p>16 A. Sorry.</p> <p>17 Q. I know in a conversation that's</p> <p>18 acceptable, but in this forum it's a little</p> <p>19 artificial.</p> <p>20 I take it this is another photograph</p> <p>21 that you staged and this is a venue that you</p> <p>22 chose for this particular shot, is that correct?</p> <p>23 A. Absolutely.</p> <p>24 Q. And is there a reason why you wanted</p> <p>25 to focus this particular -- sorry, photograph</p>
<p style="text-align: center;">82</p> <p>1 Cariou</p> <p>2 Q. Now, this page contains multiple</p> <p>3 images from the Yes Rasta book. The first one</p> <p>4 which appears on the bottom left-hand corner,</p> <p>5 there's three in a row, the first one in the</p> <p>6 bottom left-hand corner we've already talked</p> <p>7 about.</p> <p>8 I'd like to turn next to the one</p> <p>9 that's in the middle at the bottom.</p> <p>10 A. Mm-hmm.</p> <p>11 Q. Do you see that one there?</p> <p>12 A. Yeah.</p> <p>13 Q. It's in essence a person's head and</p> <p>14 it looks like it's in the middle of vegetation?</p> <p>15 A. Yeah.</p> <p>16 Q. Is that him?</p> <p>17 A. Yeah.</p> <p>18 Q. Can you please turn to the first</p> <p>19 blue tab on Plaintiff's Exhibit 41 that is</p> <p>20 marked C24, that should be the same image, and</p> <p>21 we can get a page number.</p> <p>22 And what page is that, 33?</p> <p>23 A. 33, yeah.</p> <p>24 Q. Thank you.</p> <p>25 So that is the image that we're</p>	<p style="text-align: center;">84</p> <p>1 Cariou</p> <p>2 this particular man, or is he just another one</p> <p>3 of the strong Rastafarian men that you refer to</p> <p>4 in your complaint?</p> <p>5 A. He is in the middle of his</p> <p>6 plantation.</p> <p>7 MR. BROOKS: Objection. I don't</p> <p>8 think the complaint says strong.</p> <p>9 MS. BART: I certainly don't want to</p> <p>10 mischaracterize the complaint, but hold on</p> <p>11 a second, let me get to paragraph 16.</p> <p>12 And he's referred to strong men as</p> <p>13 well --</p> <p>14 MR. BROOKS: He has, yes. The</p> <p>15 complaint doesn't.</p> <p>16 MS. BART: Mostly close-up portraits</p> <p>17 of stern, mystical-looking men within a</p> <p>18 distinctive landscape, tropical landscape.</p> <p>19 BY MS. BART:</p> <p>20 Q. Is there a reason why you wanted to</p> <p>21 photograph this particular Rastafarian?</p> <p>22 A. Yeah, he's someone that I really</p> <p>23 wanted to photograph. I liked his eyes and his</p> <p>24 look. And I liked the location, made it</p> <p>25 visually compelling, and that's about it.</p>



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<p style="text-align: center;">93</p> <p>1 Cariou</p> <p>2 Q. And are they signed on the front or</p> <p>3 on the back?</p> <p>4 A. On the back.</p> <p>5 Q. And do you have any notation to</p> <p>6 Mr. Girard on any of the backs or just your</p> <p>7 name?</p> <p>8 A. No, it's my name and edition, artist</p> <p>9 edition of three.</p> <p>10 Q. And what do you mean by artist</p> <p>11 edition of three?</p> <p>12 A. It means that -- it means that three</p> <p>13 prints were mine out of an edition of eight,</p> <p>14 because I'd always been planning of selling</p> <p>15 prints at some point.</p> <p>16 And it would be under the edition of</p> <p>17 eight. But out of those eight three are called</p> <p>18 artist edition. And that's usual in the</p> <p>19 photographic world.</p> <p>20 Q. And did you select the three for the</p> <p>21 artist edition because they were the three</p> <p>22 chosen by Mr. Girard, or did he -- let me</p> <p>23 finish -- or did he want to purchase those that</p> <p>24 would be designated the artist edition?</p> <p>25 A. No, no, it just -- it happened to be</p>	<p style="text-align: center;">95</p> <p>1 Cariou</p> <p>2 Q. And when you say you always wanted</p> <p>3 it, did you have that plan at the time that you</p> <p>4 first began working on the Yes Rasta -- I'll</p> <p>5 call it a collection, if that's all right with</p> <p>6 you?</p> <p>7 A. Yes.</p> <p>8 Q. And you said you always wanted to</p> <p>9 do this but you were waiting for the right</p> <p>10 opportunity. When you say right opportunity</p> <p>11 were you looking for the right person to</p> <p>12 distribute or sell those or was it just the</p> <p>13 right opportunity in terms of your career?</p> <p>14 A. The right opportunity -- the right</p> <p>15 person to take care of it, yeah.</p> <p>16 Q. And would that be like an agent?</p> <p>17 A. More like a gallery.</p> <p>18 Q. And have you found such an</p> <p>19 opportunity?</p> <p>20 A. Yeah.</p> <p>21 Q. And which gallery is that?</p> <p>22 A. It's called Clic Gallery.</p> <p>23 Q. C-L-I-C, correct?</p> <p>24 A. C-L-I-C, yeah.</p> <p>25 Q. And where is that located?</p>
<p style="text-align: center;">94</p> <p>1 Cariou</p> <p>2 that way. There wasn't really thinking, you</p> <p>3 know, much thinking about it.</p> <p>4 Q. Now, you mentioned in your last</p> <p>5 answer I believe that you're planning to do an</p> <p>6 edition of eight, that this is something that</p> <p>7 you've been planning to do?</p> <p>8 A. Yeah.</p> <p>9 Q. When did you first develop the plan</p> <p>10 to produce an edition of eight of the images</p> <p>11 that appears in the Yes Rasta book?</p> <p>12 A. Well, I always waited for the right</p> <p>13 opportunity, and I just finished my fourth book</p> <p>14 of portraits. And so I've been developing this</p> <p>15 plan for quite a while now.</p> <p>16 But I wasn't feeling ready to put --</p> <p>17 to make those prints available up until</p> <p>18 recently.</p> <p>19 Q. And why is that?</p> <p>20 A. Because I felt that I needed to</p> <p>21 complete my fourth book of portraits.</p> <p>22 Q. And you felt that it might enhance</p> <p>23 the value or the price that you could command</p> <p>24 for a print of your images?</p> <p>25 A. Yeah.</p>	<p style="text-align: center;">96</p> <p>1 Cariou</p> <p>2 Is that here in New York?</p> <p>3 A. Yeah, it's in New York.</p> <p>4 Q. How did you first learn about Clic</p> <p>5 Gallery?</p> <p>6 A. She contacted -- it's owned by a</p> <p>7 lady called Christiane Celle, and she contacted</p> <p>8 me on summer 2008 asking me to represent me and</p> <p>9 to -- she wanted to do my shows.</p> <p>10 Q. And, in fact, you and Ms. Celle</p> <p>11 communicated by e-mail --</p> <p>12 A. Yeah.</p> <p>13 Q. -- in French on that subject,</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. And after the two of you</p> <p>17 communicated by e-mail you then retained her</p> <p>18 services -- you then said I want you to be my</p> <p>19 agent?</p> <p>20 A. Yeah.</p> <p>21 Q. Or my gallery to represent me?</p> <p>22 A. Exactly.</p> <p>23 Q. Is that on an exclusive basis,</p> <p>24 Mr. Cariou?</p> <p>25 A. Yeah.</p>



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<p style="text-align: center;">97</p> <p>1 Cariou</p> <p>2 Q. And is there a writing that</p> <p>3 memorializes your relationship?</p> <p>4 A. No.</p> <p>5 Q. And what percentage of every, I'll</p> <p>6 call them prints, that is sold by the gallery,</p> <p>7 what percentage does the gallery keep?</p> <p>8 A. 50 percent.</p> <p>9 Q. And you mentioned that the three</p> <p>10 images that Mr. Girard picked out, one is found</p> <p>11 in the middle of 22, I believe it was on page</p> <p>12 33, the three images?</p> <p>13 A. What are we talking? Sorry.</p> <p>14 Q. In the book you pointed to I believe</p> <p>15 it was page 11 of the book -- I'm just trying to</p> <p>16 come back to the record here.</p> <p>17 At page 11 was one of them?</p> <p>18 MR. BROOKS: These are the three</p> <p>19 prints that he sold to Mr. Girard?</p> <p>20 MS. BART: These are what he's</p> <p>21 called the artist edition.</p> <p>22 A. Yeah, yeah.</p> <p>23 Q. And the other one was on page 33?</p> <p>24 A. Yeah.</p> <p>25 Q. And then, I'm sorry, I just don't</p>	<p style="text-align: center;">99</p> <p>1 Cariou</p> <p>2 about the Canal Zone exhibition and happened to</p> <p>3 learn that Mr. Prince has used some of my Rastas</p> <p>4 picture in his work and canceled my show.</p> <p>5 Q. And when did she do this?</p> <p>6 A. She did it in I think it's December.</p> <p>7 Q. Of 2009?</p> <p>8 A. Of 2009.</p> <p>9 Q. And when --</p> <p>10 MR. BROOKS: Wait a second, I'm</p> <p>11 sorry. Nine or eight?</p> <p>12 Q. This year or last year?</p> <p>13 A. Last year, 2008. Sorry about that.</p> <p>14 MR. BROOKS: That's okay.</p> <p>15 Q. And she first approached you I</p> <p>16 believe in June of 2008?</p> <p>17 MR. BROOKS: Objection. It's August</p> <p>18 if you look at the documents.</p> <p>19 A. Yeah, I think it's August, yeah.</p> <p>20 Q. And do you know what prompted</p> <p>21 Ms. Celle to first contact you in August of</p> <p>22 2008?</p> <p>23 A. Because she knew about my work.</p> <p>24 Q. And so she just approached you for</p> <p>25 the possibility?</p>
<p style="text-align: center;">98</p> <p>1 Cariou</p> <p>2 remember the third one.</p> <p>3 A. I'll find it. It's 30.</p> <p>4 Q. 30, right.</p> <p>5 MR. BROOKS: And what's the other</p> <p>6 one? 11?</p> <p>7 A. 11, yeah, 33 and 30.</p> <p>8 Q. Now, you mentioned that there would</p> <p>9 be an edition of eight. Can you tell me by</p> <p>10 reference to the page numbers in Plaintiff's</p> <p>11 Exhibit 41 what the other eight would be that</p> <p>12 would be included in your edition of eight?</p> <p>13 A. The edition of eight is an edition</p> <p>14 of eight of one photograph.</p> <p>15 Q. I see. I see.</p> <p>16 A. Eight prints of the same photograph.</p> <p>17 Q. I see. So there's no other special</p> <p>18 compilation?</p> <p>19 A. No, no.</p> <p>20 Q. Are prints of the images that appear</p> <p>21 in the Yes Rasta book available currently for</p> <p>22 sale at Clic Gallery?</p> <p>23 A. No.</p> <p>24 Q. Why is that?</p> <p>25 A. Because Christiane Celle found out</p>	<p style="text-align: center;">100</p> <p>1 Cariou</p> <p>2 A. Yes.</p> <p>3 Q. What specifically did Ms. Celle say</p> <p>4 to you when she told you that she was going to</p> <p>5 cancel your show?</p> <p>6 A. Well, she told me that she didn't</p> <p>7 want to look opportunistic and ride on</p> <p>8 Mr. Prince's fame and hype and that it wasn't</p> <p>9 a good idea to show the Rasta picture while they</p> <p>10 were in another gallery.</p> <p>11 Q. Did she tell you that once the</p> <p>12 lawsuit is resolved she would be willing to</p> <p>13 resume the representation or to represent you?</p> <p>14 A. I don't know.</p> <p>15 Q. She didn't say it?</p> <p>16 A. No.</p> <p>17 Q. Did you discuss it with her?</p> <p>18 A. She didn't say anything about it.</p> <p>19 We didn't discuss about it.</p> <p>20 Q. Did you make any efforts to persuade</p> <p>21 Ms. Celle to continue on with the relationship?</p> <p>22 A. Yeah.</p> <p>23 Q. And what did you say?</p> <p>24 A. Well, that, you know, I have other</p> <p>25 body of work and eventually maybe, you know,</p>



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<p style="text-align: center;">101</p> <p>1 Cariou</p> <p>2 when the time is good we could eventually do</p> <p>3 something.</p> <p>4 Q. And what did she say?</p> <p>5 A. She said maybe.</p> <p>6 Q. The other body of work that you have</p> <p>7 done, one is called Surfer I believe?</p> <p>8 A. Mm-hmm.</p> <p>9 Q. And there's the -- what are the</p> <p>10 other two?</p> <p>11 A. The other book is called Trench Town</p> <p>12 Love.</p> <p>13 Q. And are there any other --</p> <p>14 A. Well, there is one book which is</p> <p>15 completed but with nothing pressed yet. It's</p> <p>16 called Gypsies. It's about gypsies.</p> <p>17 Q. And that's the one that appears on</p> <p>18 your website?</p> <p>19 A. Yeah, I have a few pictures of that</p> <p>20 on my website.</p> <p>21 Q. And there are no images that appear</p> <p>22 from the Surfer, Trench Town Love, or the Gypsy</p> <p>23 collections that appear in any of Mr. Prince's</p> <p>24 Canal Zone paintings, correct?</p> <p>25 MR. BROOKS: I just want to hear</p>	<p style="text-align: center;">103</p> <p>1 Cariou</p> <p>2 this fit with the gallery, did she give you an</p> <p>3 explanation for that?</p> <p>4 A. Well, she does a lot of ethnic</p> <p>5 photography show.</p> <p>6 Q. And she considered the -- did she</p> <p>7 tell you if she considered the Canal Zone show</p> <p>8 to be an ethnic collection?</p> <p>9 MR. BROOKS: Hold on.</p> <p>10 Canal Zone or Yes Rasta?</p> <p>11 Q. I'm sorry, Yes Rasta to be an ethnic</p> <p>12 collection?</p> <p>13 A. Yeah.</p> <p>14 Q. How recently have you spoken with</p> <p>15 Ms. Celle?</p> <p>16 A. Last week.</p> <p>17 Q. And was that about the lawsuit?</p> <p>18 A. No.</p> <p>19 Q. You spoke about works that you're</p> <p>20 working on?</p> <p>21 A. Yeah.</p> <p>22 Q. And she's still considering taking</p> <p>23 you on as an artist?</p> <p>24 A. Eventually. We'll see if it happens</p> <p>25 or not. I don't know.</p>
<p style="text-align: center;">102</p> <p>1 Cariou</p> <p>2 that question again.</p> <p>3 (Record read.)</p> <p>4 A. Correct.</p> <p>5 Q. Have you had any subsequent</p> <p>6 conversations with Ms. Celle about the</p> <p>7 possibility of her representing you or being</p> <p>8 your exclusive gallery?</p> <p>9 A. Yeah.</p> <p>10 Q. And what have been those</p> <p>11 conversations?</p> <p>12 A. You know, about finding -- our plan</p> <p>13 was to show the Rasta. And because she said it</p> <p>14 would fit in very well with the gallery and now,</p> <p>15 you know, we're in the midst of seeing what's</p> <p>16 going on and what I'm going to produce next and</p> <p>17 if it's going to fit with the gallery or not.</p> <p>18 Q. And why did she think that the</p> <p>19 Yes Rasta collection fit with her gallery?</p> <p>20 MR. BROOKS: Object to the form.</p> <p>21 MS. BART: What's the basis?</p> <p>22 MR. BROOKS: You asked him why did</p> <p>23 she think.</p> <p>24 BY MS. BART:</p> <p>25 Q. Did she tell you why she thought</p>	<p style="text-align: center;">104</p> <p>1 Cariou</p> <p>2 Q. But you've not approached anyone</p> <p>3 else about the possibility of helping you</p> <p>4 implement your plan to sell prints of your</p> <p>5 various bodies of work?</p> <p>6 A. No.</p> <p>7 Q. Okay. If we could return to the</p> <p>8 image that we were discussing, which is the</p> <p>9 gentleman in the --</p> <p>10 A. In the field?</p> <p>11 Q. -- in the field.</p> <p>12 MR. BROOKS: I'm sorry, I'm just</p> <p>13 lost, but it's probably my fault.</p> <p>14 Which one are we discussing?</p> <p>15 MS. BART: 24. It's on C00024 and</p> <p>16 it was on page 33 of the book.</p> <p>17 MR. BROOKS: Okay.</p> <p>18 A. It's on page what, please?</p> <p>19 Q. 33 of the book.</p> <p>20 A. Thank you.</p> <p>21 Q. Actually, you know, I think we had</p> <p>22 gotten through most of the questions that I had</p> <p>23 on this, so my apologies.</p> <p>24 Why don't we turn to the next image</p> <p>25 that appears to the right of the man -- I'll</p>



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<p style="text-align: center;">109</p> <p>1 Cariou</p> <p>2 saying?</p> <p>3 A. Yeah.</p> <p>4 Q. And that's the portion of that</p> <p>5 particular work that appears, correct?</p> <p>6 A. Yeah.</p> <p>7 Q. Can you tell me what you think is</p> <p>8 distinctive about that particular landscape,</p> <p>9 portion of the landscape, because I take it the</p> <p>10 man is not in the image?</p> <p>11 A. Mm-hmm, mm-hmm.</p> <p>12 Q. So it's just focusing on that tree.</p> <p>13 Can you tell me what you think is</p> <p>14 distinctive about that particular --</p> <p>15 A. What's distinctive about it is that</p> <p>16 it is mine.</p> <p>17 Q. Now, have you sold any portion of</p> <p>18 the image that appears either -- well, I would</p> <p>19 say 87 and 88, have you sold --</p> <p>20 A. No, I haven't sold.</p> <p>21 Q. And have you marketed, other than</p> <p>22 through the Yes Rasta book?</p> <p>23 A. No.</p> <p>24 Q. And I notice that the Rasta in this</p> <p>25 particular image, the part that appears on page</p>	<p style="text-align: center;">111</p> <p>1 Cariou</p> <p>2 because it's easier for me to see?</p> <p>3 A. Sure.</p> <p>4 Q. Thank you kindly.</p> <p>5 I notice that a significant portion</p> <p>6 of the vegetation that he's seen standing in has</p> <p>7 been blurred out, and is that again to draw</p> <p>8 emphasis on the person whose image you're trying</p> <p>9 to photograph?</p> <p>10 A. I would not agree on that one. It's</p> <p>11 like there is much more depth of field than the</p> <p>12 other picture we talked about. This is all, you</p> <p>13 know, in focus.</p> <p>14 Q. Yes, but --</p> <p>15 MR. BROOKS: Just let him finish</p> <p>16 what he was saying.</p> <p>17 MS. BART: Right. He was.</p> <p>18 MR. BROOKS: I'm not sure he's</p> <p>19 finished.</p> <p>20 BY MS. BART:</p> <p>21 Q. Look at page 79, the leaves that are</p> <p>22 on page 79, to my eye that looks more blurred,</p> <p>23 but if you say no?</p> <p>24 See, it starts to become blurred all</p> <p>25 up through here?</p>
<p style="text-align: center;">110</p> <p>1 Cariou</p> <p>2 88, is walking away from you. Is this just</p> <p>3 something you snapped while you were there?</p> <p>4 A. Yeah.</p> <p>5 Q. Let's go back now to the image that</p> <p>6 appears on page 80 of Plaintiff's Exhibit 40 in</p> <p>7 the book.</p> <p>8 A. 80?</p> <p>9 Q. Yes, please.</p> <p>10 And that is the gentleman that</p> <p>11 appears in the bottom right of the page that's</p> <p>12 been marked C00024 of Plaintiff's Exhibit 40,</p> <p>13 correct?</p> <p>14 A. Mm-hmm, yes.</p> <p>15 Q. When did you take this particular</p> <p>16 photograph?</p> <p>17 A. Towards the end of my project.</p> <p>18 Q. And was this a staged portraiture?</p> <p>19 A. Yeah.</p> <p>20 Q. And was this just another example of</p> <p>21 the Rastafarian men you were attempting to sort</p> <p>22 of document in this collection?</p> <p>23 A. Yes.</p> <p>24 Q. Now, would you mind, Mr. Cariou,</p> <p>25 just holding up the book so I can see it,</p>	<p style="text-align: center;">112</p> <p>1 Cariou</p> <p>2 A. Yeah, because it goes further.</p> <p>3 Q. It goes further, but then the back</p> <p>4 portion of it is blurred out, is that correct?</p> <p>5 A. It's correct.</p> <p>6 Q. But again, it was just a place to</p> <p>7 put this man that sort of draws upon the</p> <p>8 tropical theme, correct?</p> <p>9 A. Yeah. And it was visually</p> <p>10 appealing.</p> <p>11 Q. The individual himself?</p> <p>12 A. The setting, the shape of the</p> <p>13 leaves, the backlit, the composition of the</p> <p>14 picture.</p> <p>15 Q. But again, the focus was to use</p> <p>16 that backdrop to really focus or highlight the</p> <p>17 individual?</p> <p>18 A. Yeah.</p> <p>19 Q. Have you sold any prints of the</p> <p>20 image that appears on pages 79 and 80?</p> <p>21 A. No.</p> <p>22 Q. And other than in the Yes Rasta book</p> <p>23 have you attempted to market this image in any</p> <p>24 way?</p> <p>25 A. No.</p>



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<p style="text-align: center;">113</p> <p>1 Cariou</p> <p>2 Q. I believe I forgot to ask you on</p> <p>3 the image that appears on page 88 of the book,</p> <p>4 because we got a little phumpered around,</p> <p>5 that's the two-page image 87 and 88, I believe I</p> <p>6 forgot to ask you when you took that image?</p> <p>7 A. When I took that image?</p> <p>8 Q. Yes, sir.</p> <p>9 A. That was in -- right -- it must have</p> <p>10 been in '95.</p> <p>11 Q. And why is it that you're able to</p> <p>12 place that particular --</p> <p>13 A. Because I know exactly -- this type</p> <p>14 of moment, that I remember very well and I</p> <p>15 remember which trip it was.</p> <p>16 Q. And that image that's on 87 and 88,</p> <p>17 that's up on the mountain?</p> <p>18 A. Oh, yeah.</p> <p>19 Q. Right towards the top?</p> <p>20 A. High up.</p> <p>21 Q. High up, okay.</p> <p>22 If you'll now look at the</p> <p>23 comparison, Plaintiff's Exhibit 40, and in the</p> <p>24 upper right-hand corner you'll see another</p> <p>25 hemp -- I'll call it a hemp grove I believe?</p>	<p style="text-align: center;">115</p> <p>1 Cariou</p> <p>2 Q. Is this something that you snapped</p> <p>3 along your way while you were trying to find a</p> <p>4 setting, it just looked of interest to you?</p> <p>5 A. It was probably traveling on foot</p> <p>6 from one location to another --</p> <p>7 Q. To do a portraiture?</p> <p>8 A. Yeah -- and shooting some landscape.</p> <p>9 Q. Was this a staged shot for you or</p> <p>10 just while --</p> <p>11 A. No, I wouldn't consider that as a</p> <p>12 staged shot.</p> <p>13 Q. And what was your purpose for</p> <p>14 including this particular image in the Yes Rasta</p> <p>15 book?</p> <p>16 A. Well, because -- simply because, you</p> <p>17 know, Rasta and even Jamaican and marijuana goes</p> <p>18 together. I needed to have some shots of</p> <p>19 plantations.</p> <p>20 Q. And vegetation?</p> <p>21 A. And vegetation.</p> <p>22 Q. Again, to kind of sort of bolster</p> <p>23 this whole idea of the culture as a whole?</p> <p>24 A. Exactly.</p> <p>25 Q. Have you sold any prints of the</p>
<p style="text-align: center;">114</p> <p>1 Cariou</p> <p>2 A. Yeah.</p> <p>3 Q. And you can find it on pages 159 and</p> <p>4 160 of the book.</p> <p>5 MR. BROOKS: This is the top right?</p> <p>6 A. Yeah.</p> <p>7 MS. BART: Yes. Because the top</p> <p>8 left is Mr. Prince's painting.</p> <p>9 BY MS. BART:</p> <p>10 Q. Mr. Cariou, would you kindly just</p> <p>11 let me see the actual photograph of that?</p> <p>12 Okay, thank you.</p> <p>13 Can you tell me what's depicted in</p> <p>14 this photograph?</p> <p>15 A. It's a plantation of marijuana.</p> <p>16 Q. And so the vegetation that is</p> <p>17 towards the back of the background of this</p> <p>18 photo, to me, from the picture I have in front</p> <p>19 of me, they look like Christmas trees, but</p> <p>20 indeed they're not. Those are also just hemp?</p> <p>21 A. For a happy Christmas.</p> <p>22 Q. So when did you take this particular</p> <p>23 image?</p> <p>24 A. I don't remember. I don't know.</p> <p>25 I really don't know.</p>	<p style="text-align: center;">116</p> <p>1 Cariou</p> <p>2 image that --</p> <p>3 A. No.</p> <p>4 Q. -- appears on 159 and 160?</p> <p>5 A. No.</p> <p>6 Q. And have you made any attempts to</p> <p>7 market that image other than through the</p> <p>8 Yes Rasta book?</p> <p>9 A. No.</p> <p>10 Q. Let's now turn to the image that</p> <p>11 appears just below the one that we were --</p> <p>12 A. Yeah.</p> <p>13 Q. The hemp grove. So this one I would</p> <p>14 call it a banana tree in the middle. So it's on</p> <p>15 the right in the middle of C00024, and you can</p> <p>16 find it on page 79 and 80 of the book.</p> <p>17 A. Not 79 and 80, it's --</p> <p>18 MR. BROOKS: No, that's a different</p> <p>19 one. It's similar, but it's different.</p> <p>20 MS. BART: No, he's on 77 and 78.</p> <p>21 A. Which page you want me to be on?</p> <p>22 MS. BART: Will you see if you can</p> <p>23 find -- I apologize --</p> <p>24 MR. BROOKS: The middle one?</p> <p>25 MS. BART: Yes, please. The one</p>



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<p style="text-align: center;">117</p> <p>1 Cariou</p> <p>2 that is between the hemp grove and the man</p> <p>3 in the lower right-hand corner of C24.</p> <p>4 A. I got it.</p> <p>5 Q. You have it?</p> <p>6 A. It's 95 and 96.</p> <p>7 Q. Mr. Cariou, do you recall when this</p> <p>8 particular image, two-page image was shot?</p> <p>9 A. I think it was early into -- it must</p> <p>10 have been in '94.</p> <p>11 Q. And this is not on the mountainside,</p> <p>12 this would be down in the more tropical regions</p> <p>13 of Jamaica, yes?</p> <p>14 A. A little bit, yeah.</p> <p>15 Q. And this is just another photograph</p> <p>16 of a landscape that you shot, again, to create</p> <p>17 this whole feeling of the whole book?</p> <p>18 A. Yeah.</p> <p>19 Q. It was not a staged shot, it was</p> <p>20 just something you were shooting?</p> <p>21 A. Well, what do you mean by staged</p> <p>22 shot? This one I took -- it took me a long --</p> <p>23 not a long time, but it took me time to frame it</p> <p>24 properly, to find the proper light to do it and</p> <p>25 to, you know, to make it the way it is.</p>	<p style="text-align: center;">119</p> <p>1 Cariou</p> <p>2 Exhibit 40, the page that's marked C00026.</p> <p>3 Do you have that in front of you,</p> <p>4 sir -- and you can find that I believe hopefully</p> <p>5 on page 128 of the Yes Rasta book.</p> <p>6 A. Yeah.</p> <p>7 Q. You have that in front of you?</p> <p>8 A. Yeah.</p> <p>9 Q. When was this particular shot taken?</p> <p>10 A. I don't remember. I know this guy</p> <p>11 very well, and we hang out a lot together. And</p> <p>12 I don't remember when I took that picture.</p> <p>13 It was one of the first guys that I</p> <p>14 got to know when I was in Jamaica. So through</p> <p>15 the end. So I don't know -- we spent a lot of</p> <p>16 time together, so I couldn't tell you when we</p> <p>17 took this picture.</p> <p>18 Q. So this was towards the end of the</p> <p>19 series or --</p> <p>20 A. Middle to the end.</p> <p>21 Q. And it looks to me like he's in a</p> <p>22 more -- I don't want to use the word urban, but</p> <p>23 it looks to me like there's a house or something</p> <p>24 behind him, but it's hard to tell?</p> <p>25 A. Yeah. It's in Negril.</p>
<p style="text-align: center;">118</p> <p>1 Cariou</p> <p>2 Q. And you were on your way to another</p> <p>3 shot?</p> <p>4 A. No, I was probably waiting for</p> <p>5 someone or doing scouting like you say all the</p> <p>6 time, you just like -- and that's what I did.</p> <p>7 Also, what was interesting to me in</p> <p>8 that picture is, as you noticed, you have banana</p> <p>9 trees.</p> <p>10 Q. Yes, I see. I can see them.</p> <p>11 A. And plus different food plant, but</p> <p>12 you also have ganja that no one noticed in the</p> <p>13 picture. So it was for me a way to show how</p> <p>14 intertwined ganja is with Jamaica. It's</p> <p>15 everywhere.</p> <p>16 Q. And ganja is another word for hemp</p> <p>17 or marijuana, correct?</p> <p>18 A. Yeah, yeah.</p> <p>19 Q. Have you ever sold any prints of</p> <p>20 this particular image?</p> <p>21 A. No.</p> <p>22 Q. And have you marketed this image in</p> <p>23 any way other than through the Yes Rasta book?</p> <p>24 A. No.</p> <p>25 Q. Let's now turn to Plaintiff's</p>	<p style="text-align: center;">120</p> <p>1 Cariou</p> <p>2 Q. In Negril?</p> <p>3 A. Yeah.</p> <p>4 Q. So this is more in town as opposed</p> <p>5 to the mountains?</p> <p>6 A. Yeah.</p> <p>7 Q. And this is another portraiture,</p> <p>8 another example of a Rastafarian that you wanted</p> <p>9 to photograph?</p> <p>10 A. Yes, absolutely.</p> <p>11 Q. For part of this documentary, is</p> <p>12 that correct?</p> <p>13 A. Yeah.</p> <p>14 MR. BROOKS: Objection to the form</p> <p>15 documentary, the word documentary. I</p> <p>16 don't know what that means.</p> <p>17 MS. BART: Well, he's previously</p> <p>18 testified that this is a documentary of</p> <p>19 the lives of people, the Rastafarians and</p> <p>20 their culture.</p> <p>21 MR. BROOKS: That's why I'm</p> <p>22 objecting, I don't think he ever used the</p> <p>23 word documentary.</p> <p>24 MS. BART: Let's just stand on the</p> <p>25 transcript. But let's move on.</p>



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<p style="text-align: center;">121</p> <p>1 Cariou</p> <p>2 BY MS. BART:</p> <p>3 Q. By the way, on the previous image</p> <p>4 which was on pages 95 and 96, you said it was</p> <p>5 something that you probably did while you were</p> <p>6 waiting for someone but you took some time to</p> <p>7 set up, it took you about a half hour or so to</p> <p>8 set up for the shot?</p> <p>9 A. Yeah.</p> <p>10 Q. The image that appears on page</p> <p>11 C00026, have you ever sold a print of this</p> <p>12 image?</p> <p>13 A. No.</p> <p>14 Q. Have you ever marketed other than in</p> <p>15 this book?</p> <p>16 A. No.</p> <p>17 Q. And have you licensed any rights in</p> <p>18 this image --</p> <p>19 A. No.</p> <p>20 Q. -- other than to Powerhouse?</p> <p>21 A. No.</p> <p>22 Q. Would you please turn to C27, same</p> <p>23 thing, and you can find this image on page 48 of</p> <p>24 the book, or you can also look for the tab</p> <p>25 number 47, either way.</p>	<p style="text-align: center;">123</p> <p>1 Cariou</p> <p>2 Q. And the focus here, we can see from</p> <p>3 the blurred background, is really on the man, so</p> <p>4 this is another portrait?</p> <p>5 A. Yes.</p> <p>6 Q. Have you sold any copies of prints</p> <p>7 of this particular image?</p> <p>8 A. Yes, I have.</p> <p>9 Q. And to whom did you sell -- if you</p> <p>10 would refer back to I believe Defendant's</p> <p>11 Exhibit 4?</p> <p>12 A. To Caroline De Maigret.</p> <p>13 Q. When did you sell the painting to</p> <p>14 Ms. De Maigret?</p> <p>15 A. When?</p> <p>16 Q. Yes.</p> <p>17 A. That must have been in 2002.</p> <p>18 Q. And how is it that she came to</p> <p>19 purchase --</p> <p>20 A. She's a friend of mine.</p> <p>21 Q. Again, if I could just finish the</p> <p>22 question.</p> <p>23 A. Sorry. Sorry.</p> <p>24 Q. So she's a friend of yours, and so</p> <p>25 this is -- and did she approach you to purchase</p>
<p style="text-align: center;">122</p> <p>1 Cariou</p> <p>2 A. C --</p> <p>3 MR. BROOKS: 48.</p> <p>4 A. Okay.</p> <p>5 Q. Do you have the image in front of</p> <p>6 you?</p> <p>7 A. Yes.</p> <p>8 Q. When was this photograph taken?</p> <p>9 A. Once again, middle of the trip. In</p> <p>10 '96 probably.</p> <p>11 Q. And where approximately was this</p> <p>12 photograph taken?</p> <p>13 A. Excuse me?</p> <p>14 Q. Where? Was it up in the mountains?</p> <p>15 A. Yeah, that was really high up in the</p> <p>16 mountains.</p> <p>17 Q. And this is another example of the</p> <p>18 Rastafarian men that you were attempting to --</p> <p>19 A. Absolutely.</p> <p>20 Q. -- photograph and document?</p> <p>21 In other words, you were looking to</p> <p>22 take this man's photo as another example of</p> <p>23 these stern-looking men that you've alleged in</p> <p>24 your complaint, correct?</p> <p>25 A. Yes, correct.</p>	<p style="text-align: center;">124</p> <p>1 Cariou</p> <p>2 one of your prints?</p> <p>3 A. Yes.</p> <p>4 MR. BROOKS: Let her finish.</p> <p>5 A. Sorry.</p> <p>6 MR. BROOKS: It's not going to make</p> <p>7 it go faster.</p> <p>8 A. Sorry guys.</p> <p>9 Q. It's all right. You're doing fine,</p> <p>10 Mr. Cariou. I know it's an artificial</p> <p>11 circumstance, so.</p> <p>12 And I believe I just asked you --</p> <p>13 MS. BART: I asked him if she</p> <p>14 approached him, correct, and he answered</p> <p>15 that one?</p> <p>16 (Record read.)</p> <p>17 BY MS. BART:</p> <p>18 Q. Ms. De Maigret, did she select this</p> <p>19 particular image or this particular print or was</p> <p>20 this something that you selected for her?</p> <p>21 A. No, she selected.</p> <p>22 Q. And did you give her an opportunity</p> <p>23 to look at all of the images in the Yes Rasta</p> <p>24 book?</p> <p>25 A. Yeah, she had the book first of all.</p>



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<p style="text-align: center;">129</p> <p>1 Cariou</p> <p>2 appears on C28 of Plaintiff's 40.</p> <p>3 Can you tell me when this photograph</p> <p>4 was taken?</p> <p>5 A. I would say '96.</p> <p>6 Q. And this is something that you</p> <p>7 staged or is this something that you snapped</p> <p>8 while you were --</p> <p>9 A. No, I staged it.</p> <p>10 Q. You staged it?</p> <p>11 And where is this Rastafarian, where</p> <p>12 is this man located generally?</p> <p>13 A. He's in the Blue Mountains.</p> <p>14 Q. So he's up high?</p> <p>15 A. Yeah.</p> <p>16 Q. And that is another example of the</p> <p>17 stern-looking Rastafarian men whose images you</p> <p>18 wanted to capture for this book, correct?</p> <p>19 A. Exactly.</p> <p>20 Q. Have you sold any copies of the</p> <p>21 image that appears on C28 or you can also see it</p> <p>22 on page 59?</p> <p>23 A. No.</p> <p>24 Q. And I notice in my copy, perhaps you</p> <p>25 could turn to page C59, that the images or the</p>	<p style="text-align: center;">131</p> <p>1 Cariou</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So now page 6, which is the</p> <p>4 gentleman whose image appears at the bottom of</p> <p>5 C29, correct?</p> <p>6 A. Yeah.</p> <p>7 Q. Can you tell me when this photograph</p> <p>8 was taken?</p> <p>9 A. Towards the end. It must have been</p> <p>10 like 1997 or '98.</p> <p>11 Q. And was this one staged?</p> <p>12 A. Yeah.</p> <p>13 Q. And this is another example of the</p> <p>14 stern-looking Rastafarian men whose images you</p> <p>15 were wanting to --</p> <p>16 A. To produce.</p> <p>17 Q. -- to photograph?</p> <p>18 A. Yeah. Otherwise none of them would</p> <p>19 be in the book.</p> <p>20 Q. Well, I'm sorry, I'm just doing my</p> <p>21 job here.</p> <p>22 A. Yeah.</p> <p>23 Q. I do notice that the background is</p> <p>24 blurred out. So again, the focus here is to</p> <p>25 really try to hone in on a closeup of this man's</p>
<p style="text-align: center;">130</p> <p>1 Cariou</p> <p>2 background is completely blurred?</p> <p>3 A. Yes. It's mainly because it's</p> <p>4 backlit.</p> <p>5 Q. Right. And you're wanting to really</p> <p>6 focus on your subject?</p> <p>7 A. Yeah, and it's a close-up portrait</p> <p>8 so I could focus on his dreads and on his face,</p> <p>9 you know. So by using -- the closer you go the</p> <p>10 less depth of field you get.</p> <p>11 Q. The less depth of field?</p> <p>12 A. Yeah.</p> <p>13 Q. Turning now to C29 of Plaintiff's</p> <p>14 Exhibit 40 there's an image that appears on the</p> <p>15 bottom. You can also find this image I believe</p> <p>16 on page 6 of your book.</p> <p>17 Mr. Cariou, I'm terribly sorry,</p> <p>18 before we move on, would you look at the</p> <p>19 image -- hold your finger on that page because</p> <p>20 we will go back to it -- but also turn to page</p> <p>21 62 of the book.</p> <p>22 A. Yeah.</p> <p>23 Q. Can you tell me if that is a side</p> <p>24 image of the same gentleman who appeared on page</p> <p>25 59 that you just talked to me about?</p>	<p style="text-align: center;">132</p> <p>1 Cariou</p> <p>2 portrait, correct?</p> <p>3 A. Correct.</p> <p>4 Q. Where was this particular image</p> <p>5 taken, do you know?</p> <p>6 A. I think it was in a little town</p> <p>7 called Lucille.</p> <p>8 Q. In Jamaica?</p> <p>9 A. In Jamaica, yeah.</p> <p>10 Q. So he's not one of the Rastafarians</p> <p>11 you lived with up in the mountains?</p> <p>12 A. No. I mean all -- I don't know</p> <p>13 all -- because I didn't spend much time with</p> <p>14 that man, or it was just passing through also.</p> <p>15 I was with a few Rasta friends, they</p> <p>16 knew each other, I thought this guy looked</p> <p>17 amazing and I want to take a picture, and they</p> <p>18 ask for me and --</p> <p>19 Q. And you snapped it?</p> <p>20 A. Well, snapped is -- I took my time</p> <p>21 to make a beautiful picture.</p> <p>22 Q. And about how long did it take you</p> <p>23 to make this image?</p> <p>24 A. I don't know. Fifteen minutes.</p> <p>25 MS. BART: This is probably as good</p>



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<p>133</p> <p>1 Cariou</p> <p>2 a stopping point as any, so why don't we</p> <p>3 break now for lunch.</p> <p>4 (Recess taken: 12:51 p.m.)</p> <p>5 (Proceedings resumed: 1:39 p.m.)</p> <p>6 BY MS. BART:</p> <p>7 Q. Let's turn now to page C30 of</p> <p>8 Plaintiff's Exhibit 40. And I believe this</p> <p>9 image also appears on pages 133 to 134 of the</p> <p>10 book.</p> <p>11 A. 133 and -- got it.</p> <p>12 Q. When was this photograph taken?</p> <p>13 A. In 1997 I think.</p> <p>14 Q. So it was one of the later shots?</p> <p>15 A. Yeah.</p> <p>16 Q. And was this something that you</p> <p>17 took for sort of additional vegetative matter,</p> <p>18 landscape matter to create the tropical feeling</p> <p>19 in the book?</p> <p>20 A. Yes.</p> <p>21 Q. And did you stage this image or was</p> <p>22 this something that you took on your way to</p> <p>23 somewhere else?</p> <p>24 A. No, I staged that. I thought that</p> <p>25 landscape was beautiful, I mean the countryside</p>	<p>135</p> <p>1 Cariou</p> <p>2 Q. And I will call him an older</p> <p>3 Rastafarian. When was this photograph taken?</p> <p>4 A. I would say at the early stage,</p> <p>5 probably '94.</p> <p>6 Q. And are you able to place it for</p> <p>7 some particular reason in 1994?</p> <p>8 A. Yeah, because I remember meeting</p> <p>9 that guy and so I know it's around '94.</p> <p>10 Q. And where did you meet him?</p> <p>11 A. I met him on northern coast of</p> <p>12 Jamaica.</p> <p>13 Q. And is that where this shot is</p> <p>14 taken?</p> <p>15 A. Yeah.</p> <p>16 Q. And you chose this person because</p> <p>17 this was another example of the strong</p> <p>18 Rastafarian men you were wanting to photograph,</p> <p>19 or stern?</p> <p>20 A. Yeah, absolutely, and also for the</p> <p>21 length of his dreads, you know.</p> <p>22 Q. Which are about the same I guess as</p> <p>23 the man on the right?</p> <p>24 A. Yeah, except no, this guy has longer</p> <p>25 dreads. Because if you can see in the picture,</p>
<p>134</p> <p>1 Cariou</p> <p>2 was beautiful and the light was amazing. I</p> <p>3 waited until the light was perfect, as far as</p> <p>4 I'm concerned, and made it that way.</p> <p>5 You can see there is a tropical</p> <p>6 storm coming in, and I was waiting for that</p> <p>7 storm to get at the right place.</p> <p>8 Q. And in your view what is distinctive</p> <p>9 about this particular landscape?</p> <p>10 A. It's just a beautiful landscape.</p> <p>11 You know, it's --</p> <p>12 Q. Okay. All right.</p> <p>13 Have you ever sold prints of this</p> <p>14 image?</p> <p>15 A. No.</p> <p>16 Q. And have you ever marketed it for</p> <p>17 sale?</p> <p>18 A. No.</p> <p>19 Q. Have you ever licensed it other than</p> <p>20 the rights licensed to Powerhouse?</p> <p>21 A. No.</p> <p>22 Q. Let's turn now to C31, and there's</p> <p>23 an image at the bottom left-hand corner.</p> <p>24 Do you see that image?</p> <p>25 A. Yeah.</p>	<p>136</p> <p>1 Cariou</p> <p>2 it goes around his arms before it goes down. So</p> <p>3 if he let it go it goes to the ground.</p> <p>4 Q. And did you stage this shot?</p> <p>5 A. Yeah, of course.</p> <p>6 Q. I see again that the background is</p> <p>7 blurred out, and again that's to draw attention</p> <p>8 to the subject you were trying to capture?</p> <p>9 A. Yeah, same style of portraiture.</p> <p>10 Q. Did you sell this, have you sold a</p> <p>11 print of this image?</p> <p>12 A. No.</p> <p>13 Q. And have you licensed any rights in</p> <p>14 this image other than those licensed to</p> <p>15 Powerhouse?</p> <p>16 A. No.</p> <p>17 Q. And have you marketed this</p> <p>18 particular license -- I'm sorry, this particular</p> <p>19 image in any way?</p> <p>20 A. No.</p> <p>21 Q. Let's turn now to C35.</p> <p>22 A. C35?</p> <p>23 Q. Yes, sir.</p> <p>24 A. Yes.</p> <p>25 Q. And that image is also found on page</p>



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<p style="text-align: center;">137</p> <p>1 Cariou</p> <p>2 47 of the Yes Rasta book.</p> <p>3 Are you there?</p> <p>4 A. Yeah.</p> <p>5 Q. When was this particular shot taken,</p> <p>6 Mr. Cariou?</p> <p>7 A. I don't remember.</p> <p>8 Q. Was it early in the series or later?</p> <p>9 A. I think it was later in the series.</p> <p>10 Q. Was this a shot that you just saw</p> <p>11 these individuals and you took it or was this a</p> <p>12 staged shot?</p> <p>13 A. No, it was a staged shot.</p> <p>14 Q. And how long did it take you to put</p> <p>15 together this shot?</p> <p>16 A. Quite a long time actually, because</p> <p>17 we -- once again, we were -- I was waiting for</p> <p>18 the specific light when it comes with tropical</p> <p>19 storms, and we had to wait until the storm was</p> <p>20 close to us to take this picture and make it the</p> <p>21 way it looks.</p> <p>22 Q. Now, in this particular image, at</p> <p>23 least on the copy I have, it looks to me like</p> <p>24 you used a fairly long depth of field, is that</p> <p>25 fair to say?</p>	<p style="text-align: center;">139</p> <p>1 Cariou</p> <p>2 image?</p> <p>3 A. No.</p> <p>4 Q. Have you marketed it for sale in any</p> <p>5 way other than through the Yes Rasta book?</p> <p>6 A. No.</p> <p>7 Q. And have you licensed any rights in</p> <p>8 this image other than through Powerhouse?</p> <p>9 A. No.</p> <p>10 Q. All right. Now, skipping ahead to</p> <p>11 C39, there's an image of a gentleman on the</p> <p>12 bottom of this page. You can also find it on</p> <p>13 page 125 of that book.</p> <p>14 A. Yes.</p> <p>15 Q. Do you recall when this image was</p> <p>16 taken?</p> <p>17 A. Right in the middle. It must have</p> <p>18 been '96.</p> <p>19 Q. And this is another example of a</p> <p>20 portraiture of a Rastafarian man that you wanted</p> <p>21 to include in this book?</p> <p>22 A. Yeah. Any of them, if they are in</p> <p>23 the book.</p> <p>24 Q. Understood. But I'm trying to just</p> <p>25 focus on like the portraiture aspect. The last</p>
<p style="text-align: center;">138</p> <p>1 Cariou</p> <p>2 A. Yeah.</p> <p>3 Q. And is there a reason why you chose</p> <p>4 to use a longer depth of field in this image?</p> <p>5 A. Well, I'm sure that at the moment I</p> <p>6 had a reason. I don't know.</p> <p>7 Q. But the focus of this image is on</p> <p>8 these two Rastafarian gentlemen, correct?</p> <p>9 A. It is and it is not. Not as much as</p> <p>10 other portraits in the book. I wanted -- that's</p> <p>11 the reason why I wanted to have more depth of</p> <p>12 field is I wanted to feel more about the</p> <p>13 environment around them.</p> <p>14 Q. And why was that? That's what you</p> <p>15 thought was good at the time?</p> <p>16 A. Yeah.</p> <p>17 Q. Where was this particular shot</p> <p>18 taken?</p> <p>19 A. That's in St. Elizabeth. It's a</p> <p>20 parish called St. Elizabeth.</p> <p>21 Q. And this looks to me like it's sort</p> <p>22 of in a village or town?</p> <p>23 A. It's a little town -- yeah, a little</p> <p>24 village, yeah.</p> <p>25 Q. And have you sold a print of this</p>	<p style="text-align: center;">140</p> <p>1 Cariou</p> <p>2 one you said no, you were kind of more focused</p> <p>3 on de-emphasizing -- it was a portrait, but you</p> <p>4 were de-emphasizing the gentleman by bringing in</p> <p>5 more of the landscape, and here we see a</p> <p>6 diffused background and the focus is really on</p> <p>7 the closeup of the man.</p> <p>8 Have you ever sold any prints of</p> <p>9 this particular image?</p> <p>10 A. No.</p> <p>11 Q. Have you marketed this image other</p> <p>12 than through the Yes Rasta book?</p> <p>13 A. No.</p> <p>14 Q. And have you licensed any rights in</p> <p>15 this image to any person?</p> <p>16 A. No.</p> <p>17 Q. Let's turn now to C40.</p> <p>18 A. Yes.</p> <p>19 Q. And we've already talked about the</p> <p>20 images that appear on the bottom left and the</p> <p>21 bottom right, so we'll focus this line of</p> <p>22 questioning on the middle gentleman who is sort</p> <p>23 of --</p> <p>24 A. Crown. Having a crown.</p> <p>25 Q. Is that what they call it?</p>



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<p style="text-align: center;">141</p> <p>1 Cariou</p> <p>2 A. Yeah.</p> <p>3 Q. It looked to me like he had taken it</p> <p>4 and turned it into a turban?</p> <p>5 A. Yeah, also.</p> <p>6 It's beautiful, isn't it?</p> <p>7 Q. It's quite something.</p> <p>8 This picture is another example of a</p> <p>9 portraiture work of a Rastafarian man, correct?</p> <p>10 A. Sure.</p> <p>11 Q. And when was this photograph taken?</p> <p>12 A. I don't remember. I couldn't -- I</p> <p>13 would say towards probably '97. It's probably</p> <p>14 towards the end, yeah, towards the end.</p> <p>15 Q. And can you turn to page 20 in the</p> <p>16 book and get the actual image?</p> <p>17 Seeing the larger size, does that</p> <p>18 help you place where this image was shot?</p> <p>19 A. That was actually shot, which is</p> <p>20 rare in this book, on the coast. This guy was a</p> <p>21 fisherman.</p> <p>22 Q. And how did you run into this</p> <p>23 particular individual?</p> <p>24 A. By driving around with friends who</p> <p>25 are Rastas and stopping by and, you know, and</p>	<p style="text-align: center;">143</p> <p>1 Cariou</p> <p>2 of the book.</p> <p>3 Now, when was this photograph taken,</p> <p>4 Mr. Cariou?</p> <p>5 A. I think it was taken in '93.</p> <p>6 Q. 1993?</p> <p>7 A. Yeah.</p> <p>8 Q. Was this before you had obtained</p> <p>9 permission from any of the Rastafarians to</p> <p>10 photograph them?</p> <p>11 A. No.</p> <p>12 Q. No?</p> <p>13 A. No. We were just walking up to the</p> <p>14 mountains, as you can see in the back, and the</p> <p>15 light was amazing, as you can see, the sky was</p> <p>16 amazing, and I thought it was a good time to</p> <p>17 take some landscape.</p> <p>18 Q. And is this down by the coast?</p> <p>19 A. Not really, no. It's about 30 miles</p> <p>20 up already inland.</p> <p>21 Q. And from your point of view what do</p> <p>22 you think is distinctive about this particular</p> <p>23 landscape photograph?</p> <p>24 A. I think the sky is quite amazing</p> <p>25 and, you know, the light. Once again, the</p>
<p style="text-align: center;">142</p> <p>1 Cariou</p> <p>2 having a chat and taking a picture.</p> <p>3 Q. And was this a staged shot or was</p> <p>4 this something that you just snapped?</p> <p>5 A. Oh, yeah. Yeah, yeah, yeah. You</p> <p>6 know, I had to -- I wasn't ready -- actually</p> <p>7 this picture I wasn't ready to take a picture.</p> <p>8 So then I had to take all my</p> <p>9 equipment out, you know, put the lens on,</p> <p>10 choose -- it was in the sun, which is rare for</p> <p>11 the book. So we had to -- it took a bit of work</p> <p>12 to take this picture.</p> <p>13 Q. About how long did it take you to --</p> <p>14 A. I would say about two hours.</p> <p>15 Q. And have you sold a copy of this</p> <p>16 image?</p> <p>17 A. No.</p> <p>18 Q. Have you licensed any rights in this</p> <p>19 image to any person other than Powerhouse?</p> <p>20 A. No.</p> <p>21 Q. And have you marketed this image in</p> <p>22 any way for sale?</p> <p>23 A. No.</p> <p>24 Q. Let's turn now to C41 in Plaintiff's</p> <p>25 Exhibit 40. And this is also on pages 1 and 2</p>	<p style="text-align: center;">144</p> <p>1 Cariou</p> <p>2 tropical storm makes extremely specific light.</p> <p>3 And the sugar cane, the sun on the</p> <p>4 sugar cane, and the really dark sky picture</p> <p>5 Jamaica very well I think.</p> <p>6 Q. Have you sold the image that appears</p> <p>7 on pages 1 and 2 of the book to anyone?</p> <p>8 A. No.</p> <p>9 Q. Have you licensed any rights in this</p> <p>10 image other than to Powerhouse?</p> <p>11 A. No.</p> <p>12 Q. And have you otherwise marketed it</p> <p>13 in any way?</p> <p>14 MR. BROOKS: I think I objected</p> <p>15 before. I asked what do you mean by</p> <p>16 marketed --</p> <p>17 MS. BART: He answered it and so we</p> <p>18 agreed that we would use that definition</p> <p>19 which is in any way commercialize it.</p> <p>20 That's what we talked about.</p> <p>21 A. So am I answering right now?</p> <p>22 Q. Yes, you are. Go ahead.</p> <p>23 A. No.</p> <p>24 Q. Let's now turn to C43.</p> <p>25 In the lower half of C43 there are</p>



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<p style="text-align: center;">145</p> <p>1 Cariou</p> <p>2 seven images --</p> <p>3 A. If you don't mind, excuse me.</p> <p>4 That's the artwork I was talking</p> <p>5 about earlier.</p> <p>6 (Witness indicating.)</p> <p>7 Q. From the newspaper?</p> <p>8 A. No, from -- it's called Canal Zone</p> <p>9 2007. That's just a part of it.</p> <p>10 Q. Right. And I'm just reading from</p> <p>11 the top of what you prepared, which says it's</p> <p>12 from the Art Newspaper.</p> <p>13 A. Yeah, but they only use a portion of</p> <p>14 the artwork what was -- you know when we talked</p> <p>15 earlier this morning?</p> <p>16 Q. Yes.</p> <p>17 A. Just to -- you know.</p> <p>18 MS. BART: All right. Why don't we,</p> <p>19 at this point in time, mark as the next</p> <p>20 Defendant's Exhibit -- I think we're up</p> <p>21 to 5.</p> <p>22 (Defendant's Exhibit 5, color</p> <p>23 reproduction of Canal Zone 2007, was</p> <p>24 marked for identification, as of this</p> <p>25 date.)</p>	<p style="text-align: center;">147</p> <p>1 Cariou</p> <p>2 MR. BROOKS: Okay, fine.</p> <p>3 MS. BART: I know we had trouble</p> <p>4 with printing them off in Summation in</p> <p>5 time for the production.</p> <p>6 MR. BROOKS: Okay.</p> <p>7 BY MS. BART:</p> <p>8 Q. Mr. Cariou, we've handed you what's</p> <p>9 been marked as Defendant's Exhibit 5. And the</p> <p>10 bottom of this document bears in the left-hand</p> <p>11 column or corner Bates Number GG0083.</p> <p>12 A. Yes.</p> <p>13 Q. And it appears to be a color</p> <p>14 reproduction of a work by Richard Prince</p> <p>15 entitled The Canal Zone 2007, mixed media on</p> <p>16 homasote, and then it gives the dimensions.</p> <p>17 Do you have that in front of you?</p> <p>18 A. Yeah.</p> <p>19 Q. Is this the image, the larger image</p> <p>20 to which you were just referring in your last</p> <p>21 answer?</p> <p>22 A. Yes.</p> <p>23 Q. So the image that we see on 43 is</p> <p>24 just a portion of the image, the total image</p> <p>25 that appears in Defendant's Exhibit 5, correct?</p>
<p style="text-align: center;">146</p> <p>1 Cariou</p> <p>2 MR. BROOKS: Just for the record,</p> <p>3 I don't think we ever received a copy of</p> <p>4 this with colors.</p> <p>5 I think we did receive it and we</p> <p>6 marked it as Plaintiff's 15, this work,</p> <p>7 but I don't think we've ever seen it with</p> <p>8 colors, for what it's worth.</p> <p>9 MS. BART: Yes, we produced</p> <p>10 this because we paid extra for color</p> <p>11 photography to send all these images to</p> <p>12 you.</p> <p>13 MR. BROOKS: Yes, but we didn't get</p> <p>14 a copy with the colors on it.</p> <p>15 MS. BART: It's GG0083. It was</p> <p>16 produced just like this with the stamp on</p> <p>17 it.</p> <p>18 MS. HAMMERMAN: I think we mailed</p> <p>19 it.</p> <p>20 MS. BART: We mailed them to you</p> <p>21 because you had asked us for color images</p> <p>22 I think.</p> <p>23 MR. BROOKS: It doesn't matter. We</p> <p>24 have it now.</p> <p>25 MS. BART: I know we had --</p>	<p style="text-align: center;">148</p> <p>1 Cariou</p> <p>2 A. Absolutely.</p> <p>3 Q. Would you take this yellow</p> <p>4 highlighter please, sir, and highlight the</p> <p>5 section that is on C43?</p> <p>6 MR. BROOKS: On the original</p> <p>7 exhibit?</p> <p>8 MS. BART: Yes, that's fine, on the</p> <p>9 original, please.</p> <p>10 (Witness marks exhibit.)</p> <p>11 BY MS. BART:</p> <p>12 Q. Mr. Cariou, looking at what's been</p> <p>13 marked as Defendant's Exhibit 5, is it your</p> <p>14 position that images from Yes Rasta appear in</p> <p>15 each one of the squares?</p> <p>16 A. Yeah.</p> <p>17 Q. So, for example, in the upper</p> <p>18 left-hand corner it says -- someone's written</p> <p>19 the words Canal Zone and there's vegetative</p> <p>20 matter underneath that, it looks like banana</p> <p>21 leaves to me, and small print?</p> <p>22 A. Yeah.</p> <p>23 Q. Can you show me where in the</p> <p>24 Yes Rasta book that image appears?</p> <p>25 A. That's a bad reproduction, so it's a</p>



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<p style="text-align: center;">149</p> <p>1 Cariou</p> <p>2 bit complicated. But I can -- yeah, I could</p> <p>3 find it. I mean it's going to take time but I</p> <p>4 can find you everything.</p> <p>5 Q. Well, the only thing is we want to</p> <p>6 know what your position is on this, if this</p> <p>7 is --</p> <p>8 A. My position is on that, that 1, 2,</p> <p>9 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,</p> <p>10 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28,</p> <p>11 29, 30, 31, 32, 33, 34, 35 pictures, photographs</p> <p>12 of Yes Rasta were used in a single artwork from</p> <p>13 Mr. Prince. That's my position.</p> <p>14 Q. Understood.</p> <p>15 A. 35 photographs.</p> <p>16 Q. Understood. So now what I'd like to</p> <p>17 try to do, if we could, is have you find -- some</p> <p>18 of these we've gone over, so I won't make you do</p> <p>19 those again, they're obvious, or we will be</p> <p>20 going through them, but if you could, for</p> <p>21 example, find the vegetation that is on the</p> <p>22 upper left-hand corner in the book.</p> <p>23 (Witness looks through exhibit.)</p> <p>24 MS. BART: May the record reflect</p> <p>25 that the witness is flipping through each</p>	<p style="text-align: center;">151</p> <p>1 Cariou</p> <p>2 The image that appears on page 77</p> <p>3 and 78, can you just hold that up for me,</p> <p>4 please?</p> <p>5 A. Yeah, okay.</p> <p>6 Q. Thank you.</p> <p>7 We've not talked about this one</p> <p>8 before, have we?</p> <p>9 A. No.</p> <p>10 Q. All right. When was this particular</p> <p>11 image taken?</p> <p>12 A. I don't remember. I don't know.</p> <p>13 At some point.</p> <p>14 Q. Was this imagery that you took to</p> <p>15 create -- to have more like tropical vegetation</p> <p>16 to create the tropical look and feel of the</p> <p>17 Yes Rasta book?</p> <p>18 A. Yeah.</p> <p>19 Q. In your view what about the image</p> <p>20 that appears on pages 77 and 78 is distinctive?</p> <p>21 A. Same thing, it's a beautiful</p> <p>22 landscape.</p> <p>23 Q. Was this something that you staged</p> <p>24 or was it something that you might have --</p> <p>25 A. Staging a landscape is quite</p>
<p style="text-align: center;">150</p> <p>1 Cariou</p> <p>2 page of Plaintiff's Exhibit 41 at this</p> <p>3 time.</p> <p>4 MR. BROOKS: Is that it?</p> <p>5 MS. BART: Did you get that?</p> <p>6 (Clarification by reporter.)</p> <p>7 MR. BROOKS: I thought that might</p> <p>8 have been it.</p> <p>9 A. That's it.</p> <p>10 (Witness indicating.)</p> <p>11 Q. And can you just state for the</p> <p>12 record the page of the book where you say this</p> <p>13 image in the upper left-hand corner appears?</p> <p>14 A. Yes, it's page 77 and page 78.</p> <p>15 Q. Okay. Is the entirety of the image</p> <p>16 that appears on 77 and 78 reproduced here or is</p> <p>17 it only a portion?</p> <p>18 A. It's a portion of it.</p> <p>19 Q. Now, can we go, for purposes of this</p> <p>20 exercise, from left to right and then we'll move</p> <p>21 down to the next row and go left to right to</p> <p>22 help with the record?</p> <p>23 A. Okay.</p> <p>24 Q. The next image appears to be -- I</p> <p>25 guess I should stop.</p>	<p style="text-align: center;">152</p> <p>1 Cariou</p> <p>2 complicated. You don't really move trees</p> <p>3 around, you know. So it's a matter of being a</p> <p>4 photographer, having an eye and choosing the</p> <p>5 right moment and framing the picture.</p> <p>6 Q. Of course. But there was another</p> <p>7 picture that we spoke about earlier this morning</p> <p>8 where you said you were just in passing on</p> <p>9 somewhere else --</p> <p>10 A. Yeah.</p> <p>11 Q. -- and so that was something you</p> <p>12 took because it caught your eye, it wasn't like</p> <p>13 the one with the sun and the oncoming storm and</p> <p>14 that road where you said you waited until the</p> <p>15 sun reached the exact place?</p> <p>16 A. It's the same thing on this one, the</p> <p>17 storm coming in.</p> <p>18 Q. And you're waiting?</p> <p>19 A. And I'm waiting.</p> <p>20 Q. So how long did it take you to do</p> <p>21 this image?</p> <p>22 A. I don't remember how long. I really</p> <p>23 don't remember how long. I was probably waiting</p> <p>24 for my Rasta friend to do what they had to do,</p> <p>25 and I don't know, maybe an hour.</p>

<p style="text-align: center;">153</p> <p>1 Cariou</p> <p>2 Q. Have you ever sold the image that</p> <p>3 appears on pages 77 and 78?</p> <p>4 A. No.</p> <p>5 Q. Have you ever licensed any rights to</p> <p>6 this image to any person other than Powerhouse?</p> <p>7 A. No.</p> <p>8 Q. And you have in any way marketed the</p> <p>9 image other than through the Yes Rasta book?</p> <p>10 A. No.</p> <p>11 Q. Okay. Let's move to the right of</p> <p>12 that image. We're in the first row, so it's the</p> <p>13 second one from the left. There's an image of a</p> <p>14 Rastafarian, he appears to be wearing a black</p> <p>15 knitted hat or cap?</p> <p>16 A. Yeah. We talked about this picture</p> <p>17 before.</p> <p>18 Q. We did?</p> <p>19 A. Yeah.</p> <p>20 Q. Okay. Was this the gentleman with</p> <p>21 the long beard?</p> <p>22 A. Exactly.</p> <p>23 Q. So let's move on.</p> <p>24 The image to the right of that,</p> <p>25 which is the third from the left in the top row</p>	<p style="text-align: center;">155</p> <p>1 Cariou</p> <p>2 time together.</p> <p>3 Q. You just pointed to something on his</p> <p>4 shirt. What is it?</p> <p>5 A. It's Haile Selassie.</p> <p>6 Q. And why is that of significance to</p> <p>7 you?</p> <p>8 A. Because that's the Rastafarian god.</p> <p>9 Q. And so he's considered to be a</p> <p>10 leader, or is this just a symbol --</p> <p>11 A. No, no, no, because it's just he</p> <p>12 liked --</p> <p>13 Q. He liked the symbol?</p> <p>14 A. He liked the symbol.</p> <p>15 Q. Were you finished with your answer,</p> <p>16 sir?</p> <p>17 A. Oh, yeah, I'm sorry. Yeah.</p> <p>18 Q. Okay. This was a staged portrait?</p> <p>19 A. Yeah, really staged portrait.</p> <p>20 Q. And what do you mean by really</p> <p>21 staged?</p> <p>22 A. Well, I took a lot of time to find</p> <p>23 the perfect lighting, the perfect depth of field</p> <p>24 in order to have the leaves that I really like</p> <p>25 in the background to be the way they are. And</p>
<p style="text-align: center;">154</p> <p>1 Cariou</p> <p>2 on Defendant's 5, the gentleman in a white</p> <p>3 shirt?</p> <p>4 A. Yeah.</p> <p>5 Q. Can you please find that image in</p> <p>6 the book?</p> <p>7 A. Sure.</p> <p>8 (Witness looks at exhibit.)</p> <p>9 A. It's page 98.</p> <p>10 Q. Mr. Cariou, would you mind just</p> <p>11 holding that image up for me please, just so I</p> <p>12 can see it?</p> <p>13 A. Sure.</p> <p>14 Q. Thank you kindly.</p> <p>15 Would you put this in the category</p> <p>16 of portraits of Rastafarians that you wanted</p> <p>17 to include in this book?</p> <p>18 A. Yeah. That's actually one of my</p> <p>19 favorite portraits.</p> <p>20 Q. When was this particular shot taken,</p> <p>21 do you know?</p> <p>22 A. It probably must have been in '96.</p> <p>23 Q. And why do you place it in '96?</p> <p>24 A. Because I remember this man very</p> <p>25 well. I liked him very well, and we had a good</p>	<p style="text-align: center;">156</p> <p>1 Cariou</p> <p>2 he was extremely calm and peaceful and he was</p> <p>3 willing to take as much time as I wanted to to</p> <p>4 take this portrait.</p> <p>5 So we -- yeah, we tried to take a</p> <p>6 powerful portrait and I think we succeed.</p> <p>7 Q. And the we here is you and someone</p> <p>8 else or you and this gentleman?</p> <p>9 A. No, no. He and I.</p> <p>10 Q. Have you sold this particular</p> <p>11 portrait, the image to anyone?</p> <p>12 A. Have I? That's a good question.</p> <p>13 Hold on one second.</p> <p>14 Yes, I have actually.</p> <p>15 Q. And you've, in answering that</p> <p>16 question, picked up your answers to</p> <p>17 interrogatories?</p> <p>18 A. Yeah, yeah.</p> <p>19 Q. Or your initial disclosures, I can't</p> <p>20 see what you have?</p> <p>21 A. No, the --</p> <p>22 (Clarification by reporter.)</p> <p>23 Q. The answers to interrogatories.</p> <p>24 And I think those were marked as</p> <p>25 Defendant's Exhibit 4. Yes, okay.</p>



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<p style="text-align: center;">165</p> <p>1 Cariou</p> <p>2 Q. So that is a two-page image,</p> <p>3 correct?</p> <p>4 A. Yeah.</p> <p>5 Q. Or it's been printed that way in the</p> <p>6 book?</p> <p>7 A. Yeah, it's a spread.</p> <p>8 Q. Could I ask you please, sir, to hold</p> <p>9 that up just so that I could see the original?</p> <p>10 A. Sure.</p> <p>11 Q. Okay, thank you.</p> <p>12 Is this a portrait that you took</p> <p>13 having staged -- not a portrait -- is this an</p> <p>14 image that you took having staged it for the</p> <p>15 shot, or were you taking out --</p> <p>16 A. Absolutely.</p> <p>17 Q. This was a staged shot?</p> <p>18 A. Yeah.</p> <p>19 Q. And how long did it take you to</p> <p>20 stage this particular shot?</p> <p>21 A. Quite a long time, you know. We</p> <p>22 were both in the water, all in the water, I had</p> <p>23 my camera with me, and it took us a couple hours</p> <p>24 to make it right.</p> <p>25 Q. And what is the expression -- are</p>	<p style="text-align: center;">167</p> <p>1 Cariou</p> <p>2 Q. A gang symbol?</p> <p>3 A. Yeah, it's like a gun.</p> <p>4 Q. All right.</p> <p>5 Moving on then to the image on</p> <p>6 Defendant's Exhibit 5 that appears to the right</p> <p>7 of that, can you tell me what that is?</p> <p>8 A. Could you come again, please?</p> <p>9 Q. Yes. Get Defendant's Exhibit 5,</p> <p>10 which is the Canal Zone.</p> <p>11 A. Yeah.</p> <p>12 Q. And can you tell me where in the</p> <p>13 book that particular image appears?</p> <p>14 A. The first one on the --</p> <p>15 Q. No, the farthest one on the right.</p> <p>16 A. Yeah.</p> <p>17 (Witness looks at exhibit.)</p> <p>18 A. Here. Page 146.</p> <p>19 MR. BROOKS: Can I see that?</p> <p>20 THE WITNESS: Sure.</p> <p>21 BY MS. BART:</p> <p>22 Q. And having now seen the original --</p> <p>23 MR. BROOKS: Ocho Rios.</p> <p>24 A. Sorry.</p> <p>25 Q. That's all right. He knows his</p>
<p style="text-align: center;">166</p> <p>1 Cariou</p> <p>2 these more examples of Rastafarian men that</p> <p>3 you're trying to show in their natural setting?</p> <p>4 A. The first one.</p> <p>5 Q. The first one meaning the closest</p> <p>6 one to us?</p> <p>7 A. Yeah, the closest one, yeah. Not</p> <p>8 the two others. The two other ones are not</p> <p>9 Rastafarians. They're what they call in Jamaica</p> <p>10 Rude Boys. Rude Boys.</p> <p>11 Q. R-U-D-E?</p> <p>12 A. Yeah.</p> <p>13 Q. And I just have to ask?</p> <p>14 A. They're gangsters.</p> <p>15 Q. Gangsters?</p> <p>16 A. Yeah. If you can take the book and</p> <p>17 you look, the sign, he's like that.</p> <p>18 (Witness indicating.)</p> <p>19 Q. Like this?</p> <p>20 A. Yes.</p> <p>21 Q. And this is your index and third</p> <p>22 finger pointed at an angle downward?</p> <p>23 A. Yeah.</p> <p>24 Q. And that's a symbol?</p> <p>25 MR. HAYES: Gang sign.</p>	<p style="text-align: center;">168</p> <p>1 Cariou</p> <p>2 waterfalls.</p> <p>3 MR. BROOKS: I walked down it or up</p> <p>4 it. I don't remember. It was a long time</p> <p>5 ago.</p> <p>6 Q. Having now seen the original image</p> <p>7 is it fair to say that this is probably included</p> <p>8 with the other group of portraiture?</p> <p>9 A. Yeah.</p> <p>10 Q. Going now to the second row of</p> <p>11 Defendant's Exhibit 5, the second from the left?</p> <p>12 A. The second from the left? Yeah.</p> <p>13 Q. It looks to me to be -- on the</p> <p>14 smaller image it looks to me to be a waterfall?</p> <p>15 A. It's actually a river after a storm.</p> <p>16 You want me to --</p> <p>17 Q. If you would please, sir, yes.</p> <p>18 A. Yeah. There's a few, but that's the</p> <p>19 one.</p> <p>20 Q. On page 17 of Plaintiff's Exhibit 41</p> <p>21 in the book? Page 17 of the book, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And was this a landscape picture</p> <p>24 that you included in Yes Rasta to just try to,</p> <p>25 again, connote the tropical --</p>

<p>169</p> <p>1 Cariou</p> <p>2 A. Yeah. Look, it doesn't get much</p> <p>3 more tropical than that.</p> <p>4 Q. And what, in your mind, is</p> <p>5 distinctive about that particular image?</p> <p>6 A. Well, the fact, once again, the</p> <p>7 storm is passing by, it's really high up in the</p> <p>8 mountains, the river is -- how do you say it --</p> <p>9 the river is --</p> <p>10 Q. Rushing?</p> <p>11 A. Rushing. And I like the light. And</p> <p>12 I like this picture.</p> <p>13 Q. All right. The next image in that</p> <p>14 same row that I think we have not talked about</p> <p>15 is the second from the right?</p> <p>16 A. Yeah.</p> <p>17 Q. Can you find that image in the</p> <p>18 Yes Rasta book?</p> <p>19 A. Yes. It's page 142.</p> <p>20 Q. Can I just see it, sir?</p> <p>21 A. Is that the one you want?</p> <p>22 Q. No, no, the second from the right,</p> <p>23 which to me -- we've included him as part of the</p> <p>24 portraiture group thing, so I did that short</p> <p>25 form.</p>	<p>171</p> <p>1 Cariou</p> <p>2 that I know. So, yeah.</p> <p>3 (Witness looks through exhibit.)</p> <p>4 A. Yeah, I got it.</p> <p>5 Q. And what's the page number?</p> <p>6 A. 147 and 148.</p> <p>7 Q. Can you just hold that up so I can</p> <p>8 see it?</p> <p>9 A. Sure.</p> <p>10 Q. Thank you.</p> <p>11 And was that shot up in the</p> <p>12 mountains of Jamaica?</p> <p>13 A. High up in the mountains of Jamaica.</p> <p>14 Q. And this was again a landscape shot</p> <p>15 that you included to set the stage for the</p> <p>16 Yes Rasta book?</p> <p>17 A. Absolutely.</p> <p>18 Q. And in your view what's distinctive</p> <p>19 about the image that appears on pages 147 and</p> <p>20 148 of Plaintiff's 41?</p> <p>21 A. It's a beautiful landscape.</p> <p>22 Q. Turning now to the next row, the</p> <p>23 first image on the left, can you find that image</p> <p>24 in the book, please?</p> <p>25 A. It's page 150.</p>
<p>170</p> <p>1 Cariou</p> <p>2 A. Oh, the second one? Yeah, I think I</p> <p>3 know what it is but, you know, I would really</p> <p>4 need a better reproduction of that to -- but I</p> <p>5 think I know what it is.</p> <p>6 (Witness looks through exhibit.)</p> <p>7 MS. BART: May the record reflect</p> <p>8 that the witness is looking through the</p> <p>9 Yes Rasta book for the image that appears</p> <p>10 second to the right.</p> <p>11 THE WITNESS: Which one is it again?</p> <p>12 MR. BROOKS: This one.</p> <p>13 MS. BART: On row 2 of</p> <p>14 Defendant's 5.</p> <p>15 A. I missed it.</p> <p>16 Q. Would you like to do this on a break</p> <p>17 and we'll fill it in later?</p> <p>18 A. If you want me to, yeah.</p> <p>19 Q. But you're sure this is one of your</p> <p>20 images?</p> <p>21 A. I'm pretty sure, yeah, because --</p> <p>22 yeah. I mean, you know, as you see, that's a</p> <p>23 bad -- it's a small reproduction.</p> <p>24 Q. It's just a portion of an image?</p> <p>25 A. Yeah, it's a portion of a picture,</p>	<p>172</p> <p>1 Cariou</p> <p>2 Q. Could you kindly hold that image up</p> <p>3 for me, Mr. Cariou?</p> <p>4 A. Sure.</p> <p>5 Q. Okay. Now, that image is an image</p> <p>6 of two women and a young boy?</p> <p>7 A. It's an image of one woman and two</p> <p>8 young boys.</p> <p>9 Q. Can you hold it up again?</p> <p>10 A. That's the boy.</p> <p>11 Q. That's the boy. I see.</p> <p>12 And would you classify that as a</p> <p>13 portraiture?</p> <p>14 A. I hope so.</p> <p>15 Q. Okay. And what you were trying to</p> <p>16 show there is part of the family life that is</p> <p>17 part of the fabric of the Rastafarian society?</p> <p>18 A. Yes.</p> <p>19 Q. And there are other women that</p> <p>20 appear in the Yes Rasta book?</p> <p>21 A. Very few actually.</p> <p>22 Q. But there are other women in the</p> <p>23 Yes Rasta book, correct?</p> <p>24 A. I would have to check for that.</p> <p>25 MR. BROOKS: No, no.</p>



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<p style="text-align: center;">177</p> <p>1 Cariou</p> <p>2 A. Yeah.</p> <p>3 Q. So in that respect it's similar to</p> <p>4 17 is all I'm trying to get at, I'm just going</p> <p>5 to lump those two together?</p> <p>6 MR. BROOKS: Hold that one because</p> <p>7 we're going to come back to that one.</p> <p>8 What number is that? 90?</p> <p>9 Okay, I got it.</p> <p>10 MS. BART: The house?</p> <p>11 MR. BROOKS: Yeah, it's 90.</p> <p>12 Is that it? No.</p> <p>13 A. No. It's a big river.</p> <p>14 Yeah, page 51.</p> <p>15 Q. Thank you.</p> <p>16 Is that 51 and 52?</p> <p>17 A. Yeah, 51 and 52.</p> <p>18 Q. And the portion that is at the</p> <p>19 bottom row is only page 51, correct?</p> <p>20 A. Yeah. Right.</p> <p>21 Q. In that same row I believe your</p> <p>22 counsel had you identify page 90 as the house?</p> <p>23 A. Yeah.</p> <p>24 Q. That's the fourth image from the</p> <p>25 right?</p>	<p style="text-align: center;">179</p> <p>1 Cariou</p> <p>2 Q. Bottom row.</p> <p>3 A. Bottom row, yeah.</p> <p>4 Q. And the words zone canal have been</p> <p>5 painted on top of it. Can you tell which image</p> <p>6 that is?</p> <p>7 A. On that one? Honestly, no.</p> <p>8 Q. So the rest of them you're sure</p> <p>9 they're from your book, this one you're not</p> <p>10 sure?</p> <p>11 A. Well, it's not that I'm not sure</p> <p>12 it's from my book, it's just that it's such a</p> <p>13 small reproduction of the artwork that, you</p> <p>14 know.</p> <p>15 I might -- I could find it, but it</p> <p>16 would take me hours. You know, I would have to</p> <p>17 go through the book thoroughly.</p> <p>18 Q. All right. Then let's not take the</p> <p>19 time to do that. I don't think that's a good</p> <p>20 use of your time.</p> <p>21 MR. BROOKS: I have a suggestion.</p> <p>22 Maybe Mr. Prince knows where he took it</p> <p>23 from.</p> <p>24 MS. BART: Well, this exercise is</p> <p>25 about your client's comparison and how he</p>
<p style="text-align: center;">178</p> <p>1 Cariou</p> <p>2 A. Yeah.</p> <p>3 Q. Could you kindly just hold the book</p> <p>4 up, because I don't remember this image at all?</p> <p>5 A. Sure.</p> <p>6 Q. Okay. So that's really 89 and 90,</p> <p>7 it's a two-page image?</p> <p>8 A. Yeah.</p> <p>9 Q. And this is an image of a house, and</p> <p>10 is that a person in sort of the foreground?</p> <p>11 A. No, there's nobody in the</p> <p>12 foreground.</p> <p>13 Q. So this is just to show another part</p> <p>14 of family life?</p> <p>15 A. Yeah, the habitat, and it's also</p> <p>16 extremely visually appealing.</p> <p>17 Q. Appealing?</p> <p>18 A. Yeah.</p> <p>19 Q. And that's why in your mind it's</p> <p>20 distinctive?</p> <p>21 A. Yeah.</p> <p>22 Q. Now, looking now in Defendant's</p> <p>23 Exhibit 5, the second from the right there's</p> <p>24 a --</p> <p>25 A. On which row?</p>	<p style="text-align: center;">180</p> <p>1 Cariou</p> <p>2 got to this picture was he said no --</p> <p>3 MR. BROOKS: He didn't do a</p> <p>4 comparison of this.</p> <p>5 MS. BART: That's my point.</p> <p>6 If you let me finish, Mr. Brooks, I</p> <p>7 handed him Plaintiff's Exhibit 40 and I</p> <p>8 asked him if they were all images and he</p> <p>9 said no, and that's how he got to this</p> <p>10 one.</p> <p>11 (Defendant's Exhibit 6, document,</p> <p>12 was marked for identification, as of this</p> <p>13 date.)</p> <p>14 MS. BART: I'd like to hand you</p> <p>15 what's been marked as Plaintiff's</p> <p>16 Exhibit 6. And this is, just for the</p> <p>17 record, to show that in fact color images</p> <p>18 of Defendant's Exhibit 5 were produced to</p> <p>19 you on August 14th, 2009, via Federal</p> <p>20 Express.</p> <p>21 MR. BROOKS: Okay.</p> <p>22 MS. BART: You can set that book</p> <p>23 aside for right now, but keep it handy</p> <p>24 where you can get to it.</p> <p>25 I was able to knock off several</p>

<p style="text-align: center;">225</p> <p>1 Cariou</p> <p>2 MR. BROOKS: Yes, as a courtesy to</p> <p>3 you. We went out of our way and got</p> <p>4 documents that you apparently haven't</p> <p>5 looked at them yet.</p> <p>6 MS. BART: Oh, we've looked at them.</p> <p>7 MR. BROOKS: You haven't.</p> <p>8 MS. BART: Mr. Brooks, you've asked</p> <p>9 me to move this deposition along, and so</p> <p>10 far your obstreperous remarks have done</p> <p>11 nothing but slow us down. Just stop it.</p> <p>12 It's not necessary.</p> <p>13 You want to talk about this --</p> <p>14 MR. BROOKS: I'll take it under</p> <p>15 advisement.</p> <p>16 MS. BART: Thank you very much.</p> <p>17 That's all you had to say at the</p> <p>18 beginning.</p> <p>19 MR. BROOKS: Thank you. I need you</p> <p>20 to tell me what I have to say.</p> <p>21 BY MS. BART:</p> <p>22 Q. Mr. Cariou, I have to apologize</p> <p>23 for these rude and entirely unprofessional</p> <p>24 interruptions.</p> <p>25 A. Don't forget, he's on my team.</p>	<p style="text-align: center;">227</p> <p>1 Cariou</p> <p>2 I probably didn't want to have a</p> <p>3 little print, because when you do a deluxe</p> <p>4 edition you usually include a print, and I</p> <p>5 didn't want to include a print in the book.</p> <p>6 And we didn't know if there was a</p> <p>7 market for it anyway.</p> <p>8 MR. BROOKS: I want to caution the</p> <p>9 witness don't guess. If you know the</p> <p>10 answer to a question, tell her.</p> <p>11 If you don't know just don't guess</p> <p>12 as to what might have happened.</p> <p>13 MS. BART: Okay. Enough coaching.</p> <p>14 BY MS. BART:</p> <p>15 Q. Is there a reason why you wouldn't</p> <p>16 want to include a copy of the print, of a print?</p> <p>17 A. Yeah, I think it's silly.</p> <p>18 Q. Prior to November of 2008 did you</p> <p>19 have any plans to make any derivative works of</p> <p>20 Yes Rasta?</p> <p>21 A. Yeah, the show coming up in New York</p> <p>22 where I would make big prints for -- with</p> <p>23 Christiane Celle.</p> <p>24 MR. BROOKS: For who?</p> <p>25 A. Christiane Celle.</p>
<p style="text-align: center;">226</p> <p>1 Cariou</p> <p>2 Q. Well, I'm sorry for that.</p> <p>3 If you'll look please, Mr. Cariou,</p> <p>4 to the rider on the Powerhouse agreement, which</p> <p>5 appears on C7 at the bottom.</p> <p>6 A. Yeah.</p> <p>7 Q. Do you see that?</p> <p>8 A. Yeah.</p> <p>9 Q. Rider A says that you're going to --</p> <p>10 that the publisher may at its option work with</p> <p>11 the proprietor to produce a limited or deluxe</p> <p>12 edition of Yes Rasta?</p> <p>13 A. Mm-hmm.</p> <p>14 Q. Did you ever work to produce a</p> <p>15 limited or deluxe edition of Yes Rasta?</p> <p>16 A. No, we never did.</p> <p>17 Q. Is there a reason why you did not do</p> <p>18 that?</p> <p>19 A. I couldn't tell you exactly why, but</p> <p>20 we didn't do it.</p> <p>21 Q. Did you ever discuss it and then</p> <p>22 just decide not to do it?</p> <p>23 A. That's -- I would have to -- you</p> <p>24 know, I would have to ask Dan Power. I don't</p> <p>25 know. I don't know why we didn't do it.</p>	<p style="text-align: center;">228</p> <p>1 Cariou</p> <p>2 MR. BROOKS: I don't know if he got</p> <p>3 it.</p> <p>4 (Clarification by reporter.)</p> <p>5 (Record read.)</p> <p>6 BY MS. BART:</p> <p>7 Q. Other than making big prints -- and</p> <p>8 this would be of some of the images from</p> <p>9 Yes Rasta?</p> <p>10 A. Yeah.</p> <p>11 Q. Other than that did you have any</p> <p>12 other plans at any time between the period 2000</p> <p>13 and 2008 to make derivative works of the images?</p> <p>14 A. Between 2000 and 2008?</p> <p>15 Q. November of 2008, yes.</p> <p>16 A. No.</p> <p>17 Q. Now, if you look at paragraph 26</p> <p>18 of the Powerhouse agreement it says that this</p> <p>19 agreement will be valid for an initial period of</p> <p>20 10 years. Has there been any indication from</p> <p>21 Powerhouse as to whether they would renew this</p> <p>22 publishing agreement for Yes Rasta?</p> <p>23 A. I don't know.</p> <p>24 Q. There's been no discussions?</p> <p>25 A. No, no discussions.</p>

<p style="text-align: center;">277</p> <p>1 Cariou</p> <p>2 like or what you thought the contents should</p> <p>3 contain?</p> <p>4 A. Yes, I thought Perry Henzell was the</p> <p>5 guy, the ultimate, and I was totally convinced</p> <p>6 that I would get him, and I did.</p> <p>7 MS. BART: Let's mark this as the</p> <p>8 next exhibit.</p> <p>9 (Defendant's Exhibit 18, document,</p> <p>10 was marked for identification, as of this</p> <p>11 date.)</p> <p>12 Q. The court reporter has handed you</p> <p>13 what's been marked as Defendant's Exhibit 18.</p> <p>14 Have you ever seen this document</p> <p>15 before?</p> <p>16 A. No.</p> <p>17 Q. This came from your production. You</p> <p>18 don't know what this is at all?</p> <p>19 A. No, not at all.</p> <p>20 Q. And you've not seen it before?</p> <p>21 A. No.</p> <p>22 MS. BART: At this time I'd like to</p> <p>23 supplement what was previously marked as I</p> <p>24 believe Defendant's Exhibit 11 to include</p> <p>25 the specific pages from the website for</p>	<p style="text-align: center;">279</p> <p>1 Cariou</p> <p>2 A. Yeah.</p> <p>3 Q. You can set that aside or give it to</p> <p>4 the court reporter.</p> <p>5 Mr. Cariou, in your description of</p> <p>6 your work you have talked about doing this for a</p> <p>7 long period of time. How long have you been a</p> <p>8 professional photographer?</p> <p>9 A. About 24 years.</p> <p>10 Q. And did you take any special</p> <p>11 schooling to become a professional photographer?</p> <p>12 A. No.</p> <p>13 Q. Do you have a college education?</p> <p>14 A. No.</p> <p>15 Q. Would you consider yourself to be</p> <p>16 a self-trained photographer?</p> <p>17 A. No, I actually started as an</p> <p>18 assistant. I was assisting some of the, you</p> <p>19 know, greatest photographers at that time.</p> <p>20 Q. And who were you assistant to?</p> <p>21 A. Peter Limberg, Paulo Roversi, you</p> <p>22 know, major fashion photographers.</p> <p>23 Q. And do you consider yourself</p> <p>24 primarily to be a fashion photographer?</p> <p>25 A. No.</p>
<p style="text-align: center;">278</p> <p>1 Cariou</p> <p>2 Yes Rasta, so I will hand this to the</p> <p>3 witness and ask counsel to just add this</p> <p>4 to the packet for Exhibit 11.</p> <p>5 (Discussion off the record.)</p> <p>6 MR. BROOKS: So what are we calling</p> <p>7 this? Are we calling this 11A?</p> <p>8 MS. BART: No, we're just adding it</p> <p>9 to 11. We just said on the record that I</p> <p>10 was going to ask everyone to supplement it</p> <p>11 by just adding it to it.</p> <p>12 Mr. Brooks, you asked earlier about</p> <p>13 the link, and it's order now when you</p> <p>14 click on Yes Rasta it takes you to the</p> <p>15 page with Powerhouse.</p> <p>16 MR. BROOKS: Okay.</p> <p>17 MS. BART: And that was right on the</p> <p>18 first page of Defendant's Exhibit 11.</p> <p>19 BY MS. BART:</p> <p>20 Q. Mr. Cariou, the only question I have</p> <p>21 about those -- I'd asked you this before -- but</p> <p>22 those are the photographs that appear on your</p> <p>23 web page?</p> <p>24 A. Yeah.</p> <p>25 Q. For Yes Rasta?</p>	<p style="text-align: center;">280</p> <p>1 Cariou</p> <p>2 Q. How would you describe your</p> <p>3 profession as a photographer?</p> <p>4 A. I'm a portraitist.</p> <p>5 Q. That is your specialty?</p> <p>6 A. That's what I do, yeah.</p> <p>7 Q. So whether it's for your own books</p> <p>8 or whether it's for fashion, that is your style</p> <p>9 of photography?</p> <p>10 A. Yes.</p> <p>11 Q. And you learned that trade through</p> <p>12 other specialists or experts in the area of</p> <p>13 portraiture?</p> <p>14 A. Well, you know, I developed my own</p> <p>15 style over the years. You know, they taught me</p> <p>16 a lot on photography but, you know, and then</p> <p>17 after that I had to develop my own thing.</p> <p>18 Q. Your website shows that you've done</p> <p>19 photographic work for a travel magazine, is that</p> <p>20 correct?</p> <p>21 A. Yes, it's correct.</p> <p>22 Q. And is it Conde Nast Travel that you</p> <p>23 did a spread for?</p> <p>24 A. Yeah.</p> <p>25 Q. And that was of Jamaica or it was</p>



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<p style="text-align: center;">281</p> <p>1 Cariou</p> <p>2 some tropical area?</p> <p>3 A. No, it was in Greece. Greece and</p> <p>4 Cuba. I did a lot of different trips for them.</p> <p>5 Q. But those are the only ones relating</p> <p>6 to travel or there are other travel trips that</p> <p>7 you've done for them?</p> <p>8 A. You mean for travel and leisure?</p> <p>9 Q. Yes.</p> <p>10 A. I did quite a bit of trips for them.</p> <p>11 I went to the Maldives, I went to Tunisia, I</p> <p>12 went to Cuba, I went to a few other places.</p> <p>13 Q. And those were freelance</p> <p>14 assignments?</p> <p>15 A. Yeah.</p> <p>16 Q. And the focus there though was not</p> <p>17 on portraiture, it was on the places that they</p> <p>18 were wanting to showcase in their magazine?</p> <p>19 A. Absolutely.</p> <p>20 Q. For what publications have you done</p> <p>21 photographic work?</p> <p>22 A. Well, I worked for -- I did work for</p> <p>23 French Vogue. I worked for Italian Vogue. I</p> <p>24 worked for Mademoiselle when it was still alive.</p> <p>25 I worked for The Fader. I worked for so many of</p>	<p style="text-align: center;">283</p> <p>1 Cariou</p> <p>2 A. Yeah, I have a Polynesian project</p> <p>3 I'm working on.</p> <p>4 Q. And when did you start working on</p> <p>5 the Polynesian project?</p> <p>6 A. Oh, a long time ago. It must have</p> <p>7 been -- the first time I went there was in the</p> <p>8 early '90s, like '89 or '90.</p> <p>9 Q. And has anyone agreed to publish</p> <p>10 your Polynesian works?</p> <p>11 A. It's not done yet.</p> <p>12 Q. So it's still in --</p> <p>13 A. It's still in the process of.</p> <p>14 Q. Other than the images or the prints</p> <p>15 of the Yes Rasta images have you sold any other</p> <p>16 prints of your images of any of the photography</p> <p>17 work you've done?</p> <p>18 A. Yes, I have.</p> <p>19 Q. Can you tell me what images you've</p> <p>20 sold?</p> <p>21 A. I couldn't tell you which images I</p> <p>22 sold, but there is -- where is the list of --</p> <p>23 I don't know -- that's something I can't provide</p> <p>24 to you now, but I've sold a few prints of</p> <p>25 different projects to Mr. Girard.</p>
<p style="text-align: center;">282</p> <p>1 Cariou</p> <p>2 them actually.</p> <p>3 I worked for Vibe Magazine. I</p> <p>4 worked for German Marie Claire and Spanish --</p> <p>5 yeah, I worked for Elle.</p> <p>6 MR. BROOKS: E-L-L-E.</p> <p>7 A. And so on and so forth. I worked</p> <p>8 for quite a bit of magazines.</p> <p>9 Q. Approximately how much of your</p> <p>10 annual revenues income is derived from freelance</p> <p>11 assignments for magazines?</p> <p>12 A. I stopped commercial photography a</p> <p>13 few years ago now. I'm just doing my personal</p> <p>14 photography.</p> <p>15 Q. I see. So these were all -- the</p> <p>16 French Vogue, the Italian Vogue, Mademoiselle,</p> <p>17 Fader, all of that was before what year?</p> <p>18 A. Before -- we're in 2010 -- I would</p> <p>19 say before 2004.</p> <p>20 Q. And so at this point in time you</p> <p>21 were your doing projects like Trench Town Love,</p> <p>22 I think you had the gypsies?</p> <p>23 A. Yeah, the Gypsies is the one.</p> <p>24 Q. Do you have any other projects</p> <p>25 you're working on?</p>	<p style="text-align: center;">284</p> <p>1 Cariou</p> <p>2 Q. Were you looking for a particular</p> <p>3 document like your web page?</p> <p>4 A. No, no -- well, I wanted to have the</p> <p>5 name, the exact name of the person, you know,</p> <p>6 who bought two Rasta prints.</p> <p>7 Q. It's right there.</p> <p>8 A. Yeah, he got four different other</p> <p>9 prints from me.</p> <p>10 Q. Mr. Girard did?</p> <p>11 A. Yeah.</p> <p>12 Q. And have you sold any other prints</p> <p>13 to Mr. Girard or anyone else?</p> <p>14 A. I might have sold a few Surfer</p> <p>15 prints. I have sold a few Surfer prints.</p> <p>16 Q. And were any of the Surfer prints,</p> <p>17 were those sold again to Mr. Girard?</p> <p>18 A. No, no, to different people.</p> <p>19 Q. To people that you know?</p> <p>20 A. Yeah.</p> <p>21 Q. Is your view with the Surfer prints</p> <p>22 the same as Yes Rasta, you only sell them if you</p> <p>23 like the person?</p> <p>24 A. Up until the moment I'm ready to be</p> <p>25 out in the world and say, you know, that's -- my</p>



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<p style="text-align: center;">285</p> <p>1 Cariou</p> <p>2 conception is -- and I have produced three books</p> <p>3 of portraits, the Gypsies is the fourth one, and</p> <p>4 that's the end of a circle when that particular</p> <p>5 body of work on portraiture is ready to be out</p> <p>6 in the world.</p> <p>7 Then I'll go to landscape or I'll</p> <p>8 go to, you know, still life or different type of</p> <p>9 photography.</p> <p>10 But for the past 20 years I've been</p> <p>11 doing serious portraiture, but I don't -- I'm</p> <p>12 not in a rush. I never really thought of, in</p> <p>13 essence, recognition. I like things to slowly,</p> <p>14 you know --</p> <p>15 Q. Germinate?</p> <p>16 A. -- mature.</p> <p>17 Q. Mature?</p> <p>18 A. Yeah.</p> <p>19 Q. And by that you mean your work or</p> <p>20 your style to mature?</p> <p>21 A. No, the pictures that are done</p> <p>22 already to mature. You don't look at that book</p> <p>23 now the same way you were looking at it when it</p> <p>24 comes out, when it came out, and you will not</p> <p>25 look at that book in 20 years the way you look</p>	<p style="text-align: center;">287</p> <p>1 Cariou</p> <p>2 someone else. We'll see.</p> <p>3 Q. Are you talking to other people</p> <p>4 about that?</p> <p>5 A. Yeah, yeah.</p> <p>6 Q. And are you in active negotiations</p> <p>7 for that publishing, the publishing of the Gypsy</p> <p>8 book?</p> <p>9 A. Sort of. I'm still working a little</p> <p>10 bit on the layout. There's still things that</p> <p>11 I'm not completely happy with, so -- I'm talking</p> <p>12 to people.</p> <p>13 Q. And what companies or individuals,</p> <p>14 publishers --</p> <p>15 MR. BROOKS: I don't think that's</p> <p>16 relevant.</p> <p>17 MS. BART: Well, I think it is</p> <p>18 relevant to show -- it is relevant because</p> <p>19 it shows that he still has a viable</p> <p>20 commercial career.</p> <p>21 So I'd like to know who he's</p> <p>22 speaking to. It's my last --</p> <p>23 MR. BROOKS: I'm not going to let</p> <p>24 him speak to people that he doesn't have</p> <p>25 contracts with yet. I'm not going to let</p>
<p style="text-align: center;">286</p> <p>1 Cariou</p> <p>2 at it now.</p> <p>3 You know, things change around,</p> <p>4 aesthetics change, people change. And that's</p> <p>5 why I've never been in a rush to sell prints</p> <p>6 or -- whenever I could, you know.</p> <p>7 Q. And what changed for you in 2008</p> <p>8 that caused you to be open to the possibility of</p> <p>9 Ms. Celle representing you, like you were ready?</p> <p>10 A. The completion of Gypsies, the fact</p> <p>11 that I have spent eight years doing the Gypsy</p> <p>12 book. It's done. It's not published yet, but</p> <p>13 there is the mock-up and all the pictures are</p> <p>14 done.</p> <p>15 And those four books will be my</p> <p>16 four books of portraits, and then I'll go on</p> <p>17 something else. You know, and that was the</p> <p>18 time --</p> <p>19 Q. I see. It was the completion of the</p> <p>20 books?</p> <p>21 A. Yeah, that was the completion of</p> <p>22 those four books.</p> <p>23 Q. And is Powerhouse publishing the</p> <p>24 Gypsy book?</p> <p>25 A. Maybe. I'm not sure. It could be</p>	<p style="text-align: center;">288</p> <p>1 Cariou</p> <p>2 him do it. It's confidential.</p> <p>3 MR. HAYES: So you're directing him</p> <p>4 not to answer?</p> <p>5 MR. BROOKS: Yes.</p> <p>6 CQ MS. BART: Let's certify that</p> <p>7 question, please.</p> <p>8 BY MS. BART:</p> <p>9 Q. Mr. Cariou, we're really not trying</p> <p>10 to pry into your personal business, we're trying</p> <p>11 to understand your profession.</p> <p>12 Can you tell me if these publishers</p> <p>13 with whom you're actively engaged in dialogue</p> <p>14 are recognized publishing houses?</p> <p>15 A. Yes, they are.</p> <p>16 Q. And are they international in scope?</p> <p>17 A. Yes, they are.</p> <p>18 Q. Has your Surfer collection ever been</p> <p>19 displayed, exhibited in a gallery?</p> <p>20 A. It was displayed with the Rastas in</p> <p>21 Paris in Gallery 213, yeah.</p> <p>22 Q. So it was --</p> <p>23 A. Yeah, it was a dual thing.</p> <p>24 Q. Have you exhibited any images from</p> <p>25 the Surfer book in any other --</p>



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